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MONTANA LEGISLATIVE HISTORY

Chapter 611 1993

Bill H _____ S 92 Original bill & history ___C

H. Committee on Natural Resources			S. Committee on Natural Resources		
Hearing Date(s)	~~Jan 15~~ Mar 17	✓C	Hearing Date(s)	Jan 15	✓C
	Mar 26	✓C		Feb 05	✓C
		C			C
		C			C
Date Out	Mar 29	✓C		Feb 05	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

Conference Committee Apr 15

Note: Senate Exhibits #'s 2 and 3 are approximately thirty pages in length. If these are needed please contact the State Law Library at (406) 444-3660.

Senate Exhibit # 4 consists of approximately ten pages of petitions signed by citizens of North Dakota. If these are needed please contact the law library.

SB 71 INTRODUCED BY TOWE, ET AL.

PROVIDE AN INCENTIVE FOR REDUCING POSITIONS IN A DEPARTMENT

12/29	INTRODUCED		
1/02	REFERRED TO FINANCE & CLAIMS		
1/04	FIRST READING		
1/15	HEARING		
1/15	COMMITTEE REPORT--BILL PASSED AS AMENDED		
1/18	2ND READING PASSED AS AMENDED	38	10
1/19	3RD READING PASSED	40	8
	TRANSMITTED TO HOUSE		
1/20	FIRST READING		
1/20	REFERRED TO APPROPRIATIONS		
1/27	HEARING		
3/30	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/31	2ND READING CONCURRED	90	9
4/01	3RD READING CONCURRED	84	15
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS CONCURRED	47	0
4/05	3RD READING AMENDMENTS CONCURRED	50	0
4/07	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		
4/16	RETURNED TO SENATE WITH GOVERNOR'S AMENDMENTS		
4/19	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/20	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	47	0
	TRANSMITTED TO HOUSE		
4/22	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	95	4
4/22	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	95	3
	RETURNED TO SENATE		
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/27	TRANSMITTED TO GOVERNOR		
5/03	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 601		
	EFFECTIVE DATE: 07/01/93		

SB 72 INTRODUCED BY DEVLIN, ET AL.

REVISE ATMOSPHERIC WEATHER MODIFICATION APPLICATION AND PERMIT PROCESSES

12/29	INTRODUCED		
1/02	REFERRED TO NATURAL RESOURCES		
1/04	FIRST READING		
1/04	FISCAL NOTE REQUESTED		
1/11	FISCAL NOTE RECEIVED		
1/11	FISCAL NOTE PRINTED		
1/15	HEARING		
2/06	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED	47	1
2/09	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/10	REFERRED TO NATURAL RESOURCES		
2/10	FIRST READING		

3/17	HEARING		
3/29	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/30	2ND READING CONCURRED	95	5
3/31	RECONSIDERED PREVIOUS ACTION AND PLACED BACK ON 2ND READING		
4/01	2ND READING CONCURRED AS AMENDED	93	5
4/01	3RD READING CONCURRED	89	8
	RETURNED TO SENATE WITH AMENDMENTS		
4/03	2ND READING AMENDMENTS NOT CONCURRED	46	1
4/06	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/16	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/17	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	39	0
	HOUSE		
4/07	CONFERENCE COMMITTEE APPOINTED		
4/15	CONFERENCE COMMITTEE REPORT NO. 1		
4/16	2ND READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	93	5
4/19	3RD READING CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	95	4
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/27	TRANSMITTED TO GOVERNOR		
5/05	SIGNED BY GOVERNOR CHAPTER NUMBER 611 EFFECTIVE DATE: 05/05/93		

SB 73 INTRODUCED BY DEVLIN, ET AL.

CREATE PENALTY FOR FAILURE OF A RAILROAD CORPORATION TO MAINTAIN FENCES

12/29	INTRODUCED		
1/02	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/04	FIRST READING		
1/04	FISCAL NOTE REQUESTED		
1/08	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/15	HEARING		
1/21	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/22	2ND READING PASSED	49	0
1/23	3RD READING PASSED	45	1
	TRANSMITTED TO HOUSE		
1/25	FIRST READING		
1/25	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/09	HEARING		
2/11	COMMITTEE REPORT—BILL CONCURRED		
3/30	2ND READING CONCURRED	68	29
4/01	3RD READING CONCURRED	69	26
	RETURNED TO SENATE		
4/07	SIGNED BY PRESIDENT		
4/07	SIGNED BY SPEAKER		
4/13	TRANSMITTED TO GOVERNOR		
4/16	SIGNED BY GOVERNOR CHAPTER NUMBER 363 EFFECTIVE DATE: 10/01/93		

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Chair Bianchi, on January 15, 1993, at 1:00 p.m.

ROLL CALL

Members Present:
Sen. Don Bianchi, Chair (D)
Sen. Cecil Weeding, Vice Chair (D)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Lorents Grosfield (R)
Sen. Bob Hockett (D)
Sen. Tom Keating (R)
Sen. Ed Kennedy (D)
Sen. Bernie Swift (R)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Larry Tveit (R)
Sen. Jeff Weldon (D)

Members Excused: None.

Members Absent: None.

Staff Present: Paul Sihler, Environmental Quality Council
Leanne Kurtz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: SB 60, SB 72
Executive Action: None.

HEARING ON SB 60 & SB 72

Opening Statement by Sponsor:

Sen. Devlin, SD 13, stated he preferred SB 60 and SB 72, two related bills, be heard together. He noted he originally intended to introduce just SB 72, but the Legislative Council notified him that the bill, although retroactive, would not affect Western North Dakota's application pending before the Department of Natural Resources and Conservation (DNRC). Sen. Devlin said North Dakota had a permit to seed clouds in 1990, and

withdrew the application in 1991. In 1992, North Dakota held hearings with a meteorologist which showed how the cloud seeding process works, but Sen. Devlin noted there was little opportunity for public input. The DNRC board refused to issue a weather modification permit in 1992 by a 6 to 1 vote after a hearing in Billings during which a number of people testified. North Dakota sued in Lewis and Clark County District Court to obtain the permit. Judge Dorothy McCarter ordered DNRC to issue the permit.

Sen. Devlin stated SB 72 would establish the following cloud seeding permit application process: DNRC would conduct and approve an EIS, and the public in counties over which cloud seeding flights were taking place would vote on whether or not the permit should be granted.

Sen. Devlin stated SB 60 would serve as a "total prohibition" of weather modification until there were laws in place regulating the permitting process. He noted a number of people have appeared to testify.

Sen. Devlin said DNRC representatives gave him amendments to SB 72, which they claim will take care of the pending permit. Sen. Devlin noted the Legislative Council disagrees.

Proponents' Testimony:

Jim Steinbeisser, a representative of the Montana Farm Bureau and resident of Sidney, spoke in support of both SB 60 and SB 72. He stated that the Montana Farm Bureau passed a resolution in November opposing the seeding of clouds "for the purpose of the control of rainfall by any entity." Mr. Steinbeisser discussed eastern Montana's problems with drought, noting cloud seeding has been suspected of creating or worsening droughts worldwide. He believes North Dakota's cloud seeding program is having a detrimental effect on Eastern Montana's weather, although it is a lucrative business for those involved in the seeding process. Mr. Steinbeisser concluded North Dakota does not have Montana's best interests in mind.

Mark Simonich, Director, DNRC, stated DNRC supports SB 72 and submitted written testimony (Exhibit #1). Mr. Simonich said DNRC is proposing no specific amendments, but the Department has concerns with the legislation and has been working with Sen. Devlin to find alternatives.

Sen. Tveit excused himself as a Committee member for the purposes of testifying at the hearing. He claimed to have seen DNRC's quantified amendments, and noted that he has problems with them. Sen. Tveit explained the weather modification process which occurs 10 to 40 miles inside eastern Montana "for the purposes of increasing rainfall in North Dakota." Sen. Tveit noted North Dakota seeded clouds in 1988 and 1989, but did not in 1990, 1991

and 1992. He stated there were three hearings before DNRC (1990, 1991 and 1992) and the Department denied permits all three times. Sen. Tveit described how the process works and said the five counties in North Dakota are charged 7 cents per acre for the cloud seeding service.

Sen. Tveit distributed his farm's crop records from 1988-1992 (Exhibit #2), and another farm's production report for 1989 (Exhibit #3), to show there was little or no production in years clouds were seeded. Sen. Tviet also distributed the following: a letter and petition from residents of Slope County North Dakota calling for the abolition of the Slope County Weather Modification Authority (Exhibit #4); an article from "Acres, USA" entitled "The Rain Making Myth" (Exhibit #5); and A 10/1991 "National Geographic" article entitled "Milking a Cloud for All Its Worth--Water" (Exhibit #6). Sen. Tveit used the articles to support his argument that cloud seeding has been responsible for drought, floods, cancer, air pollution, and emphysema.

Sen. Tveit discussed the dangers of silver iodide for cloud seeding and stated an Environmental Impact Study (EIS), rather than an Environmental Analysis, should be done before a permit is issued to seed clouds. He said a meteorological consultant informed him cloud seeding causes long-term draught and is not effective unless it occurs on a mountain front with updrafts.

Bernard Pease, a farmer near Lambert, described his crop yields from 1967 to 1992, linking cloud seeding to drought. Mr. Pease distributed a handout showing precipitation records from the Eastern Agricultural Research Center in Sidney (Exhibit #7), which compared cloud seeding years to non-cloud seeding years. Mr. Pease noted that he favored both SB 60 and SB 72.

Jim Jensen, Executive Director of the Montana Environmental Information Center (MEIC) expressed support for SB 60 and SB 72. He claimed DNRC has not complied with the Montana Environmental Policy Act (MEPA) in this case. He said DNRC should have done an EIS and provided communities affected by cloud seeding with information on its consequences. He added DNRC should have had enough information to prepare a better defense in district court. Referring to SB 60, Mr. Jensen stated that the science on both sides of the cloud seeding issue is "murky" and a wasted effort. He noted the legislature should direct DNRC to stop spending money on the issue of cloud seeding.

Helen Waller, a McCone County farmer and rancher, said she prefers SB 60 over SB 72, but noted at least SB 72 required an EIS. She stressed DNRC should never be allowed to ignore a serious review of the impact of weather modification. Ms. Waller added Environmental Analyses are inadequate, and discussed the costs involved in conducting an EIS and the costs of the permit process.

Doris Waller, a farmer and rancher from Circle, submitted a

prepared statement to the Committee (Exhibit #8).

Lynn Householder, resident of Ismay, noted the witnesses for SB 60 and SB 72 represent the whole eastern side of Montana. He submitted a letter from Charles Casey to the Board of Natural Resources opposing issuing North Dakota cloud seeding permits (Exhibit #9). Mr. Householder discussed rainfall in Eastern Montana, and said he knows many people who have died from cancer in the Ismay area.

Ralph Bruski, a rancher from Ekalaka, said he doesn't want his rainfall benefitting North Dakota. Mr. Bruski said cloud seeding is not an exact science, and linked it to cancer and multiple sclerosis. He said he favors SB 60 over SB 72, but supports both bills.

Sen. Bruski-Maus, SD 12, said her District contains five counties, three of which border North Dakota. She recommended a Do Pass for either SB 60 or SB 72.

Sen. Weeding stated he wanted to be listed as a proponent of both SB 60 and SB 72, noting he would save his remarks for executive session.

Opponents' Testimony:

Mark Simonich, Director, DNRC, submitted written testimony expressing DNRC's opposition to SB 60 (Exhibit #10). He added DNRC understands the concerns of Eastern Montana residents and their concerns should be considered in the permitting process.

Questions From Committee Members and Responses:

Sen. Doherty asked Mr. Simonich if amendments which DNRC envisions for SB 72 would require an applicant to pay for an Environmental Analysis (EA) as well as an EIS. Mr. Simonich stated the legislation is written to ensure that applicants pay for whatever analysis is done.

Sen. Doherty wondered who made the decision not to conduct an EIS on North Dakota's permit, and asked for the Department's response to Jim Jensen's testimony which asserted DNRC did not comply with MEPA.

Wayne Wetzel, Deputy Director, DNRC, said the Weather Modification Act was passed before MEPA and North Dakota applied for a weather modification permit the first time in 1977. He said the Department conducted a Preliminary Environmental Review (PER), which was equivalent to an EA, but did not include public involvement. Mr. Wetzel said the PER showed weather modification had no significant impact on rainfall. He added that in 1989, the Department "reissued" its PER and found diminished rainfall

in North Dakota and Montana, but couldn't confirm it was due to weather modification. He said the Department had not complied with MEPA in 1989 when it reissued the PER, as the rules had changed in 1988. Mr. Wetzel added the Department was remiss in not conducting an EA or an EIS at that time.

DNRC sent a letter to North Dakota saying the Department could not process its application until it complied with MEPA. The Department estimated it would cost $20,000 to determine whether cloud seeding resulted in diminished rainfall in eastern Montana. Mr. Wetzel said North Dakota had agreed to fund the study.

Sen. Doherty asked Sen. Devlin which bill he would rather have passed. Sen. Devlin said he preferred SB 60, because it heads off North Dakota's application for the Summer of 1993. He said Greg Petesch told him SB 72 might not stop the application.

Sen. Doherty wondered if prohibiting weather modification (the intent of SB 60) would be interfering with a private company's right to do business.

The Committee and Mr. Wetzel discussed how snowmaking by ski areas compares to weather modification.

Sen. Hockett stressed this is not just an Eastern Montana issue and asked if Montana is seeding clouds in Idaho. Sen. Devlin said he did not know. He added if North Dakota's application were not pending, he would not have introduced SB 60. Sen. Devlin said amendments suggested by DNRC are unacceptable.

Sen. Devlin discussed placing a sunset date on SB 60, and allowing SB 72 to become effective for the next permitting year.

Sen. Kennedy asked about the possibility of a lawsuit regarding the pending application. Don McIntyre, chief counsel, DNRC, stated North Dakota has not paid any funds that would have to be refunded if SB 60 passed. He added the only potential lawsuits would involve challenging the constitutionality of the act.

Sen. Tveit commented that proponents of SB 60 and SB 72 simply want to keep the cloud seeders out of Montana. The North Dakota businesses are ongoing and could continue to operate in their own state. He noted SB 72 specifies the Board of Natural Resources must work for the benefit of the people of Montana.

Mr. McIntyre said Judge McCarter's decision was based on her belief that most of the credible evidence favored North Dakota. He said the board was hesitant to follow her order, so she issued a second order directing the board to grant a permit. Mr. McIntyre said if SB 72 passed, DNRC would be required to conduct an EIS. He added SB 72 "clearly sets out what the public interest criteria are," resulting in a sounder decision making process.

Mr. McIntyre said he believes SB 72 could apply to North Dakota's pending application if the bill had a retroactivity clause. He said he wasn't sure if the voting provision could be made retroactive.

Chair Bianchi asked Mr. McIntyre and the Legislative Council to reach an agreement on what is legal and permissible in SB 72 before the Committee takes executive action.

Sen. Swysgood asked for clarification of the difference between SB 60 and SB 72 with a retroactivity clause. Mr. McIntyre replied SB 72 keeps the regulatory program in place, so the applicant can proceed under the new law. He said SB 60 is a clear prohibition, and the agency would have to stop action.

Sen. Devlin said SB 60 "wipes out the whole law," so any permits pending would be cancelled.

Sen. Keating commented with the money involved in cloud seeding, it may be worthwhile for a business to challenge the retroactive applicability in court.

Mr. McIntyre said he doubts North Dakota would challenge the retroactivity of SB 72, and added the state could challenge SB 60 on the grounds it had an application pending. He said North Dakota could also challenge the bill on the basis that it would be interfering with interstate commerce. He said one issue is whether or not atmospheric water is an article of commerce.

Sen. Devlin said scientific experiments could be excluded from the prohibition in SB 60 if the people in the area agree. He noted the people should come before anything else.

Mr. Fritz said DNRC has never promoted weather modification in Montana. He added DNRC has been able to find no evidence that "what North Dakota wants to do will harm Montana." He suggested it might make more sense for out-of-state entities to bring their proposals to the Legislature, rather than preclude the possibility of beneficial use of weather modification in Montana.

Closing by Sponsor:

Sen. Devlin said he fears people might start shooting at airplanes. He asks the Committee to pass SB 60, sunset it in a year and allow SB 72 to take effect.

ADJOURNMENT

Adjournment:

SEN. DON BIANCHI, Chair

LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 1/15

NAME	PRESENT	ABSENT	EXCUSED
Sen. Bianchi	X		
Sen. Hackett	X		
Sen. Bartlett	X		
Sen. Doherty	X		
Sen. Grosfield	X		
Sen. Keating	X		
Sen. Kennedy	X		
Sen. McClernan	X		
Sen. Swift	X		
Sen. Swysgood	X		
Sen. Treat	X		
Sen. Weeding	X		
Sen. Weldon	X		

FC8

Attach to each day's minutes

TESTIMONY OF THE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ON SENATE BILL 72, FIRST READING

BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

JANUARY 15, 1992

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE ATMOSPHERIC WATER WEATHER MODIFICATION LAW BY INCLUDING IN THE APPLICATION REVIEW PROCESS REQUIREMENTS FOR CERTAIN ENVIRONMENTAL INFORMATION AND A PUBLIC MEETING; REVISING THE PERMIT ISSUANCE PROCESS TO INCLUDE PAYMENT OF COSTS, CRITERIA FOR DETERMINING WHAT CONSTITUTES THE GENERAL WELFARE AND THE PUBLIC GOOD, AND PUBLIC HEARING PROCEDURES, AND A PUBLIC VOTE IN AFFECTED COUNTIES; AMENDING SECTIONS 85-3-202 AND 85-3-206, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

The Department of Natural Resources and Conservation (DNRC) supports SB 72. The Department does, however, have two concerns with the bill as written to bring to the attention of this Committee.

This legislation revises a long-standing statute governing weather modification activities in Montana. In fact, the existing legislation was enacted in 1967 prior to the reorganization of government, the adoption of the Montana Environmental Protection Act (MEPA), and the adoption of the Montana Administrative Procedure Act (MAPA). Consequently, the existing statute is not drafted in a responsive manner to any of these major substantive legislative actions. Senate Bill 72 would improve the existing weather modification statutes by clearly incorporating MEPA and MAPA into the existing statutes and by establishing clear standards upon which to base weather modification decisions.

Specifically, Senate Bill 72 sets forth amendments to the statute that will better assure the interests and concerns of local citizens are reflected in decision-making. The legislation establishes specific steps to be followed in reviewing applications for weather modification permits: explicit compliance with the Montana Environmental Policy Act (MEPA); a public meeting in areas affected by a proposed weather modification project; and the preparation of a report assessing the implications of issuing a permit. Further, it requires the decision-maker under the law, the Board of Natural Resources and Conservation, to hold a contested case hearing if citizens file a notice of intent to appear. Finally, the applicant must show by a preponderance of the evidence that the criteria necessary for permit issuance are met. Among those criteria are several new additions called for by Senate Bill 72 which more explicitly define the finding regarding general welfare and public good.

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 1/15
SB 72

Although supportive of this legislation, there are two areas of concern that should be addressed. The first concerns the mandated preparation of an environmental impact statement when acting on any weather modification permit application. The Department agrees with the importance of complying with MEPA in the course of acting on weather modification project requests. However, as with most actions of government, there are instances where the nature of a project does not warrant the time and expense of preparing a full-scale impact statement. Accordingly, the Department believes that the bill should be amended to allow preparation of either an environmental impact statement or an analysis, depending upon the nature of the project involved.

The second area of concern is the mandated public balloting on Board decisions to grant weather modification permits. Such a requirement is an unprecedented approach to regulatory action in Montana. It is a purpose of MEPA to encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man. As such, MEPA is designed to study and inform the public of the social, economic, and other environmental effects resulting from proposed activities such as weather modification activities. The MEPA process allows for the expression of public concern. This, in combination with the requirement that the Board determine that the proposed activity be designed to safeguard the public health, safety and welfare of the environment, assures appropriate consideration of the concerns of the citizens in the weather modification area. It would make for an onerous and costly process to require a ballot measure as an additional permitting step. If the ultimate test for the permitting any activity in Montana is whether a majority of eligible voters accept the activity, then there is no need for the vesting of permitting powers in an executive agency of state government. However, such a form of government is not the accepted norm in any state nor of the federal government.

In summary, the Department supports the proposed legislation with exception of the two concerns expressed above. It represents a substantive response to citizen concern with weather modification in Montana and will better assure the public plays a stronger role in the process of regulating such activity.

Box 53
Mound ND
Jan 11 - 1993

Jan Faught Swift
BF 122 State Capitol
Helena MT 59620

Dear Senator

Enclosed is a petition that is the latest attempt to end Cloud Seeding in Liberty Co. The signatures represent the townships that border Montana almost every signed it.

Our Complaints about Cloud Seeding either fall on deaf ears or are the subject of ridicule by our elected officials.

Out of 38 Counties that once allowed Cloud Seeding only 4 remain. This would suggest that the majority of North Dakotans Do not support Cloud seeding.

The Budget for this farce dreamed up rain making exceeds 4.5 million per year. ND is continuing Closing and Consolidating rural schools that they can't afford to keep open But they still can afford this program

SENATE NATURAL RESOURCES
EXHIBIT NO. 4
DATE 1/15
BILL NO. 60, 72

I feel I can speak for the people on the Flathead when I say ~~I wish you the best in the~~

I Hope your Bill gets ~~part~~ passed by an overwhelming majority. Its time for states to start listening to residents instead of out side interest.

Seven of the last Ten years Hope Co has been declared a disaster area due to drouth ~~the~~ the last years as far as rain fall is concerned when Montana didn't allow Clear Cutting.

I wish you the best of luck with your Bill

Sincerely

Daniel R Fler

EXHIBIT #4
DATE 1-15-93
SB 60 + 72

RECALL PETITION FOR THE ABOLITION OF THE
SLOPE COUNTY WEATHER MODIFICATION AUTHORITY

We, the undersigned qualified electors of Slope County, North Dakota, by this petition request and demand that the Slope County Board of County Commissioners adopt a resolution recalling all commissioners of the Slope County Weather Modification Authority and abolish their appointed office and abolish such weather modification authority in accordance with Section 61-04.1-28 of the North Dakota Century Code.

The purpose of this petition is to abolish the Slope County Weather Modification Authority which will also abolish and eliminate the power of such weather modification authority to certify any mill levy tax for weather modification activities in conjunction with the State of North Dakota..

COMMITTEE FOR PETITIONS

The following electors of Slope County, North Dakota are authorized to represent and act for us, and shall constitute the "Committee for the Petitioners" in the matter of this petition and all acts subsequent thereto:

Henry Bader Marmarth ND — Charles Erickson New England ND
Dan Flor Marmarth ND
Scott Bader Marmarth ND
Don Jonalla Marmarth ND

	Date	Petitioner Signature	Residence Address, P.O.Box-City-County-State
1	6/3	Dan Flor	Box 53 Marmarth ND Slope ND
2	6/3	Linda Flor	Box 53 Marmarth Slope ND
3	6/3	Rose Flor	Box 34 Marmarth Slope N.D
4	6/3	Loretta Graham	Box 214 Marmarth Slope N.D.
5	6/3	Wesley M. Fuchs	Box 6 Marmarth Slope N.D
6	6/3	Helen F Fuchs	P.O. Box 6 Marmarth Slope ND
7	6/3	Linda L. Ferrell	Box 62 - Marmarth - Slope N.D.
8	6/3	Dave Childers	Box 77 Marmarth Slope ND
9	6/3	Emmett Hannon	Box 86 Marmarth Slope N.D.
10	6/3	Doug Duffield	Box 45 Marmarth ND

THIS ISSUE
Judicial Tyranny
Eco-Update
Dioxin
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• Crop Killer
• Farmers' Alcohol
• The Causes
• The Transition
• Gene Poirot
• Soil Technology
• Pigs, the Nicest People
• Cancer (Newsletter)

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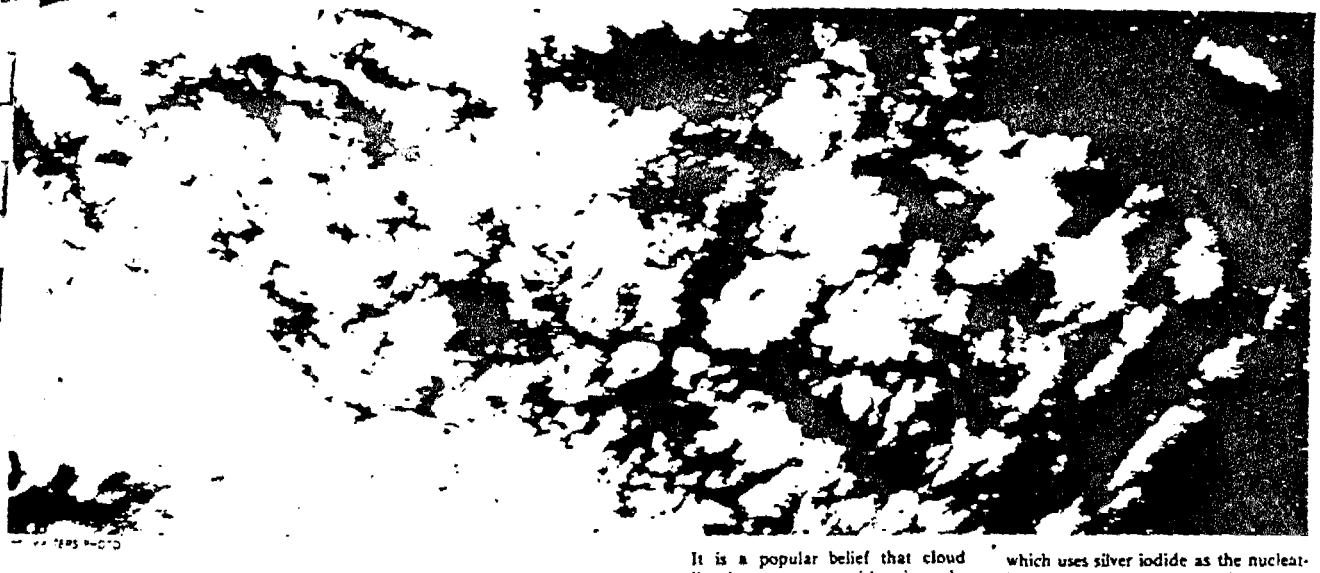


THE RAIN-MAKING MYTH

AN OVERVIEW BY
TRI STATE NATURAL
WEATHER ASSOCIATION
Pennsylvania
New Jersey
Maryland

It is a popular belief that cloud seeding is synonymous with rain-making. Unfortunately, this belief has been the result of the myriad of articles and stories published in the news media throughout the country. The basis of these stories have been public relations efforts by the practitioners of cloud seeding to create a gracious and benevolent image for themselves. This can be expected because they are in a business that grosses hundreds of millions of dollars each year.

The real truth of cloud seeding is found in the scientific literature. A case illustration is *Operation Whitetop* which was a five year scientific project combining the efforts and resources of a federal government agency and a large midwestern university to test the hypothesis "that cloud seeding would significantly increase precipitation." After five years of research the hypothesis was rejected and the conclusion was that cloud seeding actually diminished precipitation by as much as 30% in the immediate target area, and that there were lesser amounts of precipitation than would have normally fallen for at least 125 miles downwind.

A basic law of the atmosphere is "precipitation must equal evaporation and transpiration." No one can make rain! The amount of precipitation can be altered by shifting and guiding storm systems from one area to another, or vice versa. Question the credibility of anyone who claims that he can produce rain by cloud seeding. Any fundamental text in meterology or physical geography will definitely state that precipitation cannot exceed evaporation plus transpiration.

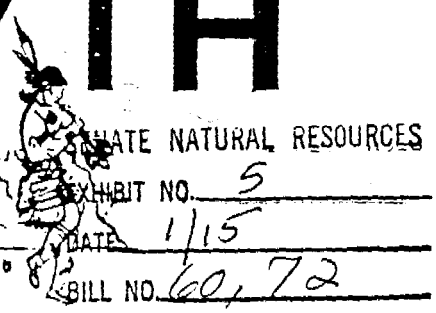
WEATHER MODIFICATION

What is cloud seeding or weather modification? The discussion here will be limited to the chemical process which uses silver iodide as the nucleating agent. Of the many chemical agents used in cloud seeding, silver iodide is used by more than 95% of all commercial practitioners because of the simplicity in its technical applicability and because of its efficiency in altering local weather conditions. Anyone who has access to a twin-motored plane can set himself up in the cloud seeding business with an investment of as little as $3,000. Small metal racks to hold the pyrotechnic flares impregnated with silver iodide—and the flares—are the essential equipment to set up a practitioner in business. It is known that some cloud seeders do not even bother to install the visible incrimination evidence that are thrown from the plane's window.

To describe what silver iodide does in cloud seeding will, first, necessitate a brief description of the natural precipitation process. It can be generally stated that precipitation depends on falling temperatures, a sufficient moisture content of the air, and the presence of microscopic nuclei. These nuclei may be dust or ice particles, and their presence is essential in the rain-making process. A typical summer thunderstorm generates its own nuclei in the form of ice crystals near the top of the cumulo-nimbus cloud. The moisture in the cloud has an affinity for these ice crystals and therefore condenses on them. The process of condensation continues until each drop of rain sufficiently increases in size and then falls to the earth's surface by gravity.

Cloud seeding involves the introduction of additional artificial nuclei, silver iodide crystals, into the thunderstorm system. Silver iodide crystals and ice crystals have similar characteristics. As a result the moisture in the cloud will also condense on a silver iodide crystal

see page 6



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THE RAIN-MAKING MYTH

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as it does on an ice crystal. Silver iodide usually is introduced into the air by aircraft which flies sufficiently close to a thunderstorm, but not into it. Silver iodide from the burning flares is pulled into the storm system by the convectional air currents. Introduction of the silver iodide nuclei together with natural nuclei already present in the thunderstorm has the effect of stopping the cycle of the rain-making process. When too many nuclei are present, natural or artificial, the limited amount of moisture in the cloud is not sufficient in quantity to condense on all the nuclei to form sufficiently large rain drops that will fall to the earth. The rain-making process is stopped. Condensing moisture is re-evaporated and carried downwind where it will be taken into another storm system and fall in quantities sometimes sufficient to produce disasterous floods.

The incidence of many floods in the United States is obviously connected with cloud seeding in adjacent areas. It may be difficult to prove, but the fact remains that cloud seeding is often involved. Promoters and practitioners of cloud seeding always say "prove it!" On the other hand, they have yet to prove that cloud seeding does not cause floods. In the Senate Hearings of the 89th Congress, Bills S. 23 and S. 2916, a prominent practitioner of cloud seeding boasted that he carried very little liability insurance for possible damages because it would be very difficult for a plaintiff to prove in a court of law that cloud seeding had caused damage. This demonstrates why cloud seeders can act with such arrogance.

Throughout the years since 1957, there have been continous summer droughts in the Potomac Basin, but, there have been torrential downpours and flooding only 75 or 100 miles downwind in eastern Pennsylvania, Maryland and New Jersey. Another example of a flood is the Rapid City disaster of 1972. It is a documented fact that a cloud seeding run had been made less than one hour before the torrential downpour in the Black Hills.

More and more law suits are being brought before the courts seeking flood damages in areas downwind from cloud seeding activities. As recently as January 1975, *Farm Journal* listed court action seeking flood damages in Michigan and Oklahoma, all the result of cloud seeding in adjacent areas. In both states the suits were brought against Irving P. Krick of Palm Springs, California, who is a practitioner of cloud seeding and whose lucrative operations extend beyond the boundaries of the United States.

AN ECOLOGICAL MASSACRE

Cloud seeding is a science—a science of doom, devastation and desecration. The specter of cloud seeding indicates destructive floods, unprecedented droughts and the key to many pollution problems in the United States. This ecological problem has evolved because pseudo-scientists are dumping lethal doses of poisonous materials into the atmosphere to change it for their own purposes.

Seldom in history has a scientific blunder been conducted with such total fraud and deceit, according to the Tri-State Natural Weather Association. The generalized procedure of the cloud seeder is to make exaggerated claims of rain making when drought is the desire. Federal bureaucrats conduct experiments creating severe drought, but tell legislators they increased rainfall and need more money. Probably the greatest boondoggle ever was the specially created five year drought in the northeast, the result of irresponsible cloud seeding. Cloud seeding is being carried out extensively and intensively over the entire nation. The build-up of pollutants used during the past decade are frightening. Whenever clouds are seeded, layered air inversions occur. These hold man's air pollution next to the earth's surface and create a "sewer in the sky" effect. Man is not emotionally stable under this biological situation created by heavy cloud seeding. He will riot, murder, rape, steal, commit suicide, and in general fail to live compatibly. Natural weather is the only way mankind can live happily and in biological compatibility with his environment.

NATURAL WEATHER IMPORTANT

First it should be explained in more detail why our weather is so important in its natural state. To begin with, it brings us the rains so essential for food production and industrial growth. It is only by the natural weather patterns that fresh air is available to sustain life. Man's pollutants are washed out of the atmosphere by rainfall. Thunderstorms with their updrafts and concurring downdrafts, mix the air and dilute the poisonous wastes. Lightning, a product of thunderstorms, is the world's greatest producer of nitrogen. Without it there would be no life on this earth. Even the most destructive storms have a purpose. It is the release of excess energy, and if not occurring regularly would be utterly catastrophic. Tampering with these storm systems by cloud seeding can do nothing more than upset the delicate balance of nature. Storm systems are, in reality, nature's giant washing machines.

RAIN-MAKING IS A MYTH

There is not one shred of evidence that cloud seeding ever produced one drop of additional rain. We are also told by scientists that there are rivers of water in the sky. Yet they admit that *the air around the globe cannot hold more than one inch of moisture at any given time.*

A summary of five cloud seeding experiments evaluated by Neyman and Scott of the University of Berkeley, with results presented at the Fifth Berkeley Symposium, had this to say:

The evidence that cloud seeding *decreases* rain comes from five American experiments. These five randomized experiments were conducted with unchallenged reliability over a number of consecutive years with considerable care and foresight—the results are a decrease in precipitation due to seeding and the estimated decreases amount to 53%.

Project *White Top* centered in Missouri presented nothing but bad news. Increases of rainfall were hoped for, but final results were most conclusive—with decreases of 21 to 23%. There are of course exceptions in any type of scientific endeavor. When cloud seeding takes place during extremely wet periods, floods are bound to occur. Probably the reason for this is the shortage of natural nuclei in the air necessary for water droplet formation. Whatever the circumstance, rain-making just sounds good.

Twenty years ago cloud seeding started making great and exaggerated claims of increased precipitation. It was soon found that the exact opposite occurred. It didn't take long for those with greedy intent to take advantage of this interesting discovery.

One can only guess as to the amount of money spent annually for cloud seeding. Some estimates place it at nearly $3 billion, which includes both governmental and private projects. This insidious tampering apparently has served its purpose. This country is now at its dryest in 8,000 years.

DROUGHT NOT MENTIONED

Almost to a man, the weather community has adopted the policy of emphasizing the positive approach, that of "making it rain," as it will be welcomed by the general public.

"Making rain" sounds good to congressional appropriation committees. Can one imagine a United States Senator voting for funds to make droughts? How would farmers, gardeners and townspeople whose reservoirs get low vote in the next election?

However, both scientists and federal scientific literature now speak casually and openly of lightning suppression, fog dispersal, hail suppression, snow suppression—all accomplished by drying up the clouds by over-seeding with dry ice or silver iodide.

Dr. Schaefer, a father of weather modification, told *This Week Magazine* in 1968 "We know that a certain amount of silver iodide introduced into a cloud can cause precipitation, but we also know that a very large amount suppresses rain by creating so many particles that they are often too small to fall, or if precipitation does develop, it is not normal rain but those tiny particles that look more like fog or mist."

DRY WEATHER?

The reasons for seeding are as varied as man's desires, but the liking for dry, clear weather seems more prevalent than the desire for rain. Clear weather is wanted for recreation, for airports, to prevent hail damage to fruit during the maturing months of June, July and August, to maintain a dry earth bed for pouring concrete for footings, roads and parking lots. Dry weather is devoutly to be wished for constructing high-powered electric plants and for pouring concrete for large apartment and office buildings.

The Insurance Federation claims that weather modification will save them $186,000,000 annually if the storms that bring the necessary rains are destroyed. The construction industry will save $500,000,000 annually if it is not delayed by the weather. Utility companies don't want damage to their power lines, and they don't like to pay overtime.

POLLUTION CLOUD SEEDING

Cloud seeding is responsible for 90% of all the air pollution problems in the United States. A statement of Dr. E. J. Workman helps point up this fact.

ACRES U.S.A. PHOTO

"...the air around the globe cannot hold more than one inch of moisture at any given time." This moisture falls somewhere. Attempts to regulate its fall prevent rain as often as they deliver it. Rainmaking is a dangerous plaything for the pseudo-scientific.

Generalized seeding of immature cumulus clouds will result in a stabilization of the atmosphere that will prevent the development of mature clouds to produce rain. This sets the stage. Under this condition air pollution becomes a problem. There is no turbulence in the atmosphere to dilute man's poisonous pollutants, no rain to wash the filth out of the air. Thermal inversions occur and do not cease until weather patterns regather their momentum.

Silver iodide used for nearly all cloud seeding under these conditions is dangerous to man. For instance, what knowledge have the scientists on how cloud-seeding materials relate to other substances, and is that taken into consideration before dumping it on the clouds and ultimately on the people?

Silver iodide breaks down quickly, but the iodine atom appears to recombine with other substances such as resins from pine trees, which yield a terpene vapor which in turn produces an unintentional seeding material capable of continuing the drought in the area.

A tiny trace of iodine is needed to combine with the lead pouring from auto exhaust pipes to make another deadly poison. These materials fallout onto grass eaten by cows, then travel into all dairy products, then to man. Iodine concentrates in the thyroid gland. It can produce cancerous nodules years later.

The death rate in 1966—the year of heaviest seeding in southern Pennsylvania counties—from lung diseases reached the highest number since vital statistics were kept, according to the Pennsylvania Department of Health. Cases of emphysema and lung cancer rose alarmingly in the last decade.

Silver from silver iodide as it flows into the ecosystems will concentrate in various organisms and thence to man, causing a buildup in the human system to a toxic level. Silver iodide is a vicious corrosive and carcinogenic substance. Inhalation or ingestion of this material will lead to respiratory or gastric ailments and cancer.

An accepted principle in the use of dangerous materials is that anything that can go wrong will eventually go wrong if the materials are used often enough.

In operation, silver iodide is usually mixed with acetone and pyrogallic acid. These poisons are described in the U.S. Dispensatory, *Merck Manual*. Silver causes argyria, skin lesions; pyrogal attacks liver and kidneys, acetone, pulmonary congestion and death by ketoses. Idium salts are also used as tracers. They have a toxicity of five or six and symptoms include anorexia, paresis, spasmodic respiration asphyxial convulsions, widespread inflammation and fatal hemorrhages in lungs, liver, kidney and heart. The organ most severely affected is the liver, and death may occur from hepatic necrosis.

RAIN MAKING FRAUD

Cloud seeders say: "We increased rainfall by 14%." This sounds good until figures are analyzed. Cloud seeding takes place before the clouds begin to rain. In the process of dissipating, a few drops of rain fall. Since this precipitation drops after seeding, the cloud seeder tries to pawn his crime off as one of rain making. Had no seeding taken place, all of the available potential rain would have fallen. This represents 100% but only 14% fell. It can conclusively be stated that cloud seeding decreases rainfall by 86%.

SEEDING TECHNIQUES

Under-seeding may make cloud rain or snow, but at the expense of farms and towns downwind.

Over-seeding does several things, depending partly on the materials and the technique used, and the size of the cloud.

Over-seeding with silver iodide may cause the cloud to rain or snow slightly, then to break up and drift into mist within 10 to 30 minutes. Depending on the size of the cloud and the silver iodide dosage, it will not rain for 10 miles or 50 to 150 miles, but meanwhile the unexpected energy builds up and eventually the rain comes down as a cloudburst on a distant city.

Dry ice and silver iodide will make the clouds freeze up, that is, "glaciate" and hang motionless in the sky for a number of hours. Sometimes the clouds will build up enormously, but it will not rain.

THUNDERSTORMS

Nearly 4,000 thunderstorms have been lashing the earth 24 hours a day, year in and year out, through all of time since the world began.

Without these storms, there would be no life on earth. There would be no mixture of the air between layers. Pollution from dust, smoke and other foreign matter would increase to the point of causing death.

Lightning is the world's greatest producer of nitrogen compounds, the vital soil ingredient without which most plant life could not exist.

This is the only source of nitrogen for the forests which cannot grow without it. Notice that trees and plants in seeded areas look droopy, tired, and in many places entire kill is noted. Scarlet oak is one variety that died.

This nitrogen breaks down easily in soils and water and causes no problems.

Weather modification people have plunged into spraying and shooting the clouds to control lightning without once studying the contributions that lightning makes to the earth. Nowhere in all the pseudo-scientific literature is there a mention of the value of lightning strokes to man.

HURRICANES

Project *Storm Fury*, conducted by E.S.S.A. and the U.S. Navy, has kept hurricanes from coming up the eastern seaboard for nearly ten years. These massive storms are necessary for man's survival. They bring 30% of the moisture to this area—moisture that is so desperately necessary to grow food. Even more important, it is necessary for this type of system to disperse the high temperatures found near the equator. Hurricanes travel towards the north pole, and this eventually tends to equalize high temperature variation. If hurricanes are not allowed to go their full life cycle, nature will find some other way to maintain heat balance, and this new method undoubtedly will be more disastrous than the hurricane. These systems also help tremendously in eliminating air pollution problems that are so serious on the east coast.

Hurricane *Camille*, the most transverse the east coast was without question due to the blunderings of inept science. Inquiries indicate *Camille* was seeded over water, and factual visible evidence of seeding was indeed observed as she passed over land. What happened in this situation is a cloud seeding experiment getting out of hand. It represents a situation where reversible or cascading effects on atomospheric processes take place. The people who died from this hurricane were killed by scientific blunderers. Hurricanes must be allowed to run their natural course since they are the good fairy for the northeast, and are one of the great water wheels in nature's water cycle.

MYSTERIOUS PROGRAM

A massive program of cloud seeding —apparently entirely outside of the official federal programs on weather modification—funded from unknown federal sources, has been going on spasmodically since 1954, and steadily since 1962. This program has resulted in severe-to-extreme drought in virtually every area where conducted.

The Appalachian Mountains should guarantee the Atlantic costal plains a healthy quota of rain each summer. No drought showed in the weather statistics with the single exception of 1930, which emphasizes statiscally that present droughts are man-made.

Senatorial and departmental sources state that the U.S. Army was cloud seeding behind military secrecy in Pennsylvania counties in 1962-1966 and in Tennessee in 1964-1966.

Since the seeding in Pennsylvania took place during the months of growth of June, July and August, the principal effect was aimed at the farmer to drive him off the land. The areas of severe drought coincide exactly with the areas the federal government plans to devote to population and light industry. With a few, limited exceptions, the farmer is to be eliminated. The same plan applies on the Pacific coast.

Federal agencies with giant land-acquisition programs want farmers and rural people put into a depressed economic state so that they are willing to accept any price for their lands for parks and reservoirs. For verification, send for the Jury Trial Hearings, 1968, before the U.S. House of Representatives Public Works Committee, Washington, C.C. and read what happened in Tennessee.

POTOMAC RIVER BASIN

The Potomac River Basin or Mid-Potomac includes the states of Maryland, Virginia, West Virginia and South Central Pennsylvania. This area also encompasses a large fruit growing belt. A number of fruit producers of this section engineered their orchards for irrigation. Then with prodding from the Insurance Company of North America, they organized a Weather Modification Corporation, and hired a cloud seeding firm to destroy the rain storms. The desire of the fruit growers was to eliminate competition from the other growers who could not irrigate. The insurance company's interest was pocket padding by not having to pay storm damages that might occur.

A state of war finally developed in the four-state area between the fruit growers and the rest of the population. Finally the fruit growers formally deactivated, but merely took their seeding activities into underground organization. They continued to carry out cloud seeding more intensely than ever, trying to eliminate all agriculture in the area, and to retaliate against those who thought law and order was part of our democratic society.

The federal government, thinking the fruit growers would abide by their commitments, began their own program of weather tampering in the

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...ired for fresh fruits and vegetables. FDA set these tolerances on the basis of ...mical tests, using the old make-it-to-...ker system. ("If you make it to the ...ner, the greasy spoon manager had ...," he didn't poison you.") As you ...ow, PL 85 929 set up tolerances of ... residues of pesticides on crops—as ...though this could be policed or ...monitored.

In the Senate *Use of Pesticides* report, it was stated that research based ...n empirical knowledge was inade-...quate, and it was this report that ...charged the USDA and HEW to search ...the world for scientific principles that ...would surpass the empiricism that had ...been found wanting. That search has ...yet to start.

Studies have followed studies, but these seem to be pursued more to employ "experts" than to find answers. Scientists in the employ of Dow and other makers of phenoxy herbicides find it convenient to be skeptical about what we say, or they pretend not to understand. It is the judgment of *Acres U.S.A.* that we need a new ethic, not new scientific breakthroughs. Preservation of capital investments by chemical companies can no longer dictate the level of science used by government to set public policy. Yet this is what we've heard today.

I would add a word for those who agree with some of what we've said here, but who beg the question with "Yes, but..." Yes, but we'll starve if we don't use these tools. Earl Butz—in a new exercise of economic illiteracy—in fact said 50 million will starve if we proscribe [ban] toxic genetic chemicals and attendent technologies in any form.

I will answer by stating the principles of eco-agriculture—which are also contained in the scientific literature.

1. Simplistic N,P and K fertilization means malnutrition for plants, animals and men because either a shortage or marked imbalance of plant nutrients prevent balanced plant health, ergo human health.

2. Plants with balanced hormone and enzyme systems provide their own protection against insect and fungal attacks.

3. Insects and nature's predators are a disposal crew. They are summoned when they are needed, and they are repelled when they are not needed.

4. Toxic rescue chemistry hopes to salvage crop production that is not fit to live so that men might eat it.

5. Weeds are an index of the character of the soil. It is therefore a mistake to rely on herbicides to eradicate them because this is dealing with effect, not cause.

6. Crop losses in dry weather, or during mild cold snaps are not so much the result of drought and cold as nutrient deficiency.

7. Man-made molecules of toxic rescue chemistry have no safe level and they have no tolerance level.

8. NPK formulas as legislated (and enforced by state Department of Agriculture) mean malnutrition, crop loss in dry weather, and general loss of mental acuity—plus degenerative metabolic diseases among the population—all when people use this fertilized and protected food crops.

9. *Therefore—the answer to pest crop destroyers is sound fertilization in terms of exchange capacity of pH modification, and scientific farming principles that USDA, Extension and Land Grant colleges have refused to teach ever since the great discovery was made that fossil fuel companies have great money.*

cannot be dealt with in isolated compartments. We need a lot less experts and just a few imperts (generalists) who know that everything is related to everything else, that everything has to go somewhere. I hope you think long and hard about your day's business. It is not enough for the industry or government to face Mrs. Piatt and her daughters and those dead horses*—not to mention cancer victims, the deformed, the mentally retarded, and say, "Oops."

*See transcription of Mrs. Piatt remarks which were presented at the same meeting.

THE RAIN-MAKING MYTH

from page 7

four-state area. The Corps of Engineers wanted to lace the Potomac with giant dams. How else could the citizens of the area be convinced that they needed dams, and wouldn't it be much easier to enforce giant land acquisition projects when the population is economically depressed? Cloud seeding has continued ever since on a year-around basis. Results have been devastating. Target areas have been experiencing ten-inch rainfall deficits annually. Certain areas of the five states have become virtual deserts. Air pollution has increased to extremely high levels. *As expected, cancer has grown by leaps and bounds.* Emphysema and chronic respiratory diseases have become a galloping epidemic. Cloud seeding chemicals have burnt the foliage on the trees and eventually killing them. It has poisoned domestic animals as they eat the cultivated crops. Air inversions prevent an influx of fresh air, creating an atmosphere biologically incompatible with all living matter.

ACCOMPLISHMENTS OF CLOUD SEEDING

1. Cloud seeding has been responsible for the great five-year drought in the northeast United States.

2. Isolated sections in the northeast have experienced 18 years of drought due to cloud seeding.

3. Weather disturbances in the south Atlantic have been eliminated and has reduced the east coast's rainfall by 30%—rain that is needed if agriculture is to be successful.

4. The average dairy farmer on the east coast, living in an area of cloud seeding, has averaged a net financial loss because of seeding.

5. Crop production losses in Franklin County, Pennsylvania, alone, have amounted to $50,000,000.

6. When effects of seeding wears off, cloudbursts occur, causing floods, destroying crops, building, and drowning people as well as livestock.

7. Seeding has been responsible for the serious air pollution problems.

8. Mental retardation and insanity are traceable to cloud seeding chemicals.

9. Poisoning of all living matter is directly related to cloud seeding.

10. Emphysema is three times higher in areas of heavy cloud seeding.

see next page

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THE RAIN-MAKING MYTH

from previous page

11. Cancer is virulently out of proportion.

12. Financial losses to agriculture and related industries run into the billions.

13. Forest trees as well as cultivated orchards are dying from chemical reactions taking place in the air due to the addition of cloud seeding agents.

14. The atmosphere has been rendered completely biologically incompatible with all living matter, which includes animals, plants and humans.

WHO IS IN FAVOR

Cloud seeding success is determined by its acceptance by the general public. Here is where we put the chips on the table. Under no circumstances has there been one report of anyone favoring this new activity without greed as a goal. Congressional hearing, private studies, newspaper articles, etc., all ask the same request: please stop cloud seeding. The reasoning is quite simple, because seeding is grand larceny and international robbery.

A problem analysis sponsored by U.S. Department of Interior, Bureau of Reclamation, Office of Atmospheric Resources, May 1969 can be quoted as follows: "Fog dispersal agents may have detrimental effects on plants and animals over a long period. As a matter of public policy, aerial distribution of unknown proprietary compounds should not be allowed on any but a strictly experimental basis, even if tests convince health agencies that the materials pose no immediate threat to human welfare. Full disclosure of the composition of any such material added to the environment is necessary in order that the scientific community as a whole may evaluate the possible long term effects."

HAVOC

Unless cloud seeding is brought under control, total disaster lies ahead. This is the statement of a distinguished scientist, Gordon J.F. MacDonald, writing in *How to Wreck the Environment: Geophysical Warfare*, in *Unless Peace Comes*. Massive and repeated attacks on natural weather coincide with a dislocation of the atmosphere so grievous that the world's weather is "going crazy." And this "crazy weather" has played a major role in food shortages.

In one specific instance, typical of the rest, "eight tons" of nucleating chemical—seeding agents—were seeded over the Punjab, India, July 16 to September 18, 1954. In this case, as in the Rapid City disaster, the hygroscopic common salt, was used. Salt expands enormously in these experiments, more so than the poison commonly used, silver iodide. Salt and soapstone were the seeding agents used over the Indian sub-continent. Result? Disastrous floods.

BEER VS. FOOD

On March 5 and 6, 1973, hearings were held at Alamosa, Colorado, on the petition of Atmospherics, Inc., of California, to seed the San Luis Valley for Coors Brewing Company and Valley [illegible] and increase rain. The evidence that the suppression of hail means suppression of rain as well, and therefore drought follows, was so clear that the petition was denied. Thus the 85% of area population who were on record as against seeding were given respite from a disastrous man-induced drought.

The testimony of Charles B. Moore, Professor of Atmospheric Physics, New Mexico School of Technology, Socorro, New Mexico, was crucial. Seeding is no way to modify the weather, he said. The amount of poisonous silver iodide used is "appalling" in its effects. If modification is desired, electrical charges should be used, following nature. Intense rainfall follows after lightning. Lightning is the best "rain-maker" there is.

The amount of seeding proposed for this valley would be a catastrophe, he said. Also, the "rainfall" shown on radar as tiny droplets would be recorded as precipitation. In fact, the dry air evaporates such drops, and none reach the ground. In addition, rain cannot be "made." Seeding decreases rainfall well beyond the target area. So, seeding the Tuscon, Arizona target area, results in an apparent 49% loss of rainfall. Down wind, in Walnut Gulch, there was also significant decrease in rainfall. Moore agreed with the distinguished hydrologist, Dr. H.B. Osborn, that seeding accounts for a 34% loss of rainfall. It can never, said Moore, be predicted that the seeding chemicals will remain in the target area. It also appeared in the testimony that whoever reads and reports the rain gauge record controls the data. Such a person's honesty controls the record.

A recent report from the San Luis Valley states that the Valley Growers, Inc., are growing more barley than ever are paid more for it, to not have to store it, and have not had to pay out $100,000, the fee for cloud seeding. Tom Henderson of Fresno, California, was applying for a permit to seed the Valley for the growers by demand from Coors! He fraudently applied on the basis of rain-making, although Coors admitted, under oath, that drought was the desired result.

SCREWBALL WEATHER

The intricate complexities and unknown dangers, especially of irreversible changes involved in cloud seeding, demand carefully monitored local, small-scale operations. To date, this mandate remains unheeded.

That this is no idle threat is revealed by the fact that "silver iodide is toxic and must be handled with care." Yet tons of this poison are dumped over the country in a decade, as Charles Hosler, Penn State Meteorologist, admits in his pamphlet, *Why is it Dry?* The distinguished cloud seeder, Irving P. Krick notes that "The Government will be putting out thousands of pounds of seeding material, and we put out one-fifth of an ounce per hour. That shows how little you have to use . . . The Government thinks it can do more by using more." Krick calls such folly "screwball situations." In spite of dangers, known and unknown, "It is highly unlikely that seeding with silver iodide will be abandoned." Charles B. Moore, Professor of Atmospheric Physics, New Mexico School of Technology, says that no one really knows how long seeding chemicals stay around, and that the amount used is "appalling."

One of the worst droughts, that of the entire region of sub-Sahara, a catastrophe unprecedented, lasted seven years, coincides with intensive seeding in Kenya for the Tea Industry. Seeding chemicals are effective for many hours, and hundreds of miles, the trade winds, easterlies (flow east

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Fifteen cents per word;
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EXHIBIT #3
DATE 1-15
SB604

THE RAIN-MAKING MYTH

west), carried these agents of death over that fragile ecology. The drought killed countless thousands, and ruined the economy of the nations. The tea crop has never been better. Small wonder Maurice Strong, head of the U.N. Environmental Program, warns that theft of rain could lead to world battle. Time is running out.

It is fairly well known that midwest drought coincides with the annual and massive cloud seeding programs in the Rocky Mountain States. Not so well known is the fact that after any huge seeding program, or even a modest one, the *chemicals that are not used up will move clear around the globe and trigger effects that are completely unpredictable.* Flood and drought are the inevitable companions of weather modification. Severe droughts are causing not only severe global food shortages from crop failure. The slightest change of a degree or two in ocean temperature off the coast of Peru started a chain reaction that practically wiped out commercial fishing there.

SOUTH DAKOTA

The enclosed "Letter to the Editor," printed in a local newspaper in South Dakota, summarizes the rain-making in that state. Most areas were 7 to 8 inches short in rainfall during the growing season since cloud seeding started.

Being a farmer-rancher on the north Buffalo County line, I have watched weather modification for several years. We got more rain than they did under their modification program until the plane started to fly farther north. Many times I have seen what looked like a rain cloud coming, until the plane went through it, and then the cloud would promptly disappear. They also had several bad hailstorms go through Buffalo County during their modification program.

If modification would produce one-to-two inches more rainfall, I suppose we might have a chance to win ten-to-one, but what if we lose one or two inches of rainfall or more? It looks to me like another smooth-talker has made suckers of us.

Last year we had the driest spell I've seen for a long time, from June 4 until August 18 we had about three-quarters of an inch of rain in small showers, not enough to help much. We had clouds that looked good but the rainmakers flew through and took care of them.

The rainmakers quit August 15, and on the 18th we got a half-inch of rain. About the 30th we had three inches and a rather wet fall from there on out. This, of course, could be coincidence or just plain South Dakota. But I think we should save millions of dollars a year to help the drought stricken, because even with the Chamber of Commerce, counties and state financing this modification program, under South Dakota's present economy agriculture will finance at least 50 % of it.

The Rapid City, South Dakota, disaster of June 9, 1972, was an unprecedented flood which cost 250 lives and destroyed $100 million worth of property. Intensive research by *Environmental Action* of Washington, D.C. (see issue for May 12, 1973) shows [illegible] clouds with salt apparently turned them into four huge rain generators held stationary over the victimized area for hours. So great was this man-induced deluge that the record shows "*more than ten times the flow of any previous flood or record*" for that area. The article suggests that the steadfast denials of responsibility by the seeders South Dakota School of Mines, Institute of Atmospheric Sciences, the federal Interior Department commercial seeders comes from their "determination to convert our skies into their own experimental laboratories." This results of course in "their self-serving twisting of facts and conclusions," which smacks "of nothing less than a meteorological Watergate." Thus the conclusion of Britain's leading meteorologist, Dr. Brian J. Mason—"The last 20 years of effort in cloud seeding have been a waste" (*Science News*, "Earth Sciences," volume 97)—is the understatement of the decade. The Stockholm Conference on the Ecology of 1973 concluded that the three greatest dangers to the survival of man are SST, the dredging of rivers, and at the top of the list: *weather modification.*

RECOMMENDATIONS

It is recognized the United States must continue with weather modification research to find out what should be controlled and what should be left to nature, and how to protect the country militarily. However, the cloud seeding community have been too indifferent of the people's welfare, both health and economic, and too careless of their responsibility to take scientific precautions to protect the people, the economy, the ecology, and the global atmosphere against adverse effects of weather modification.

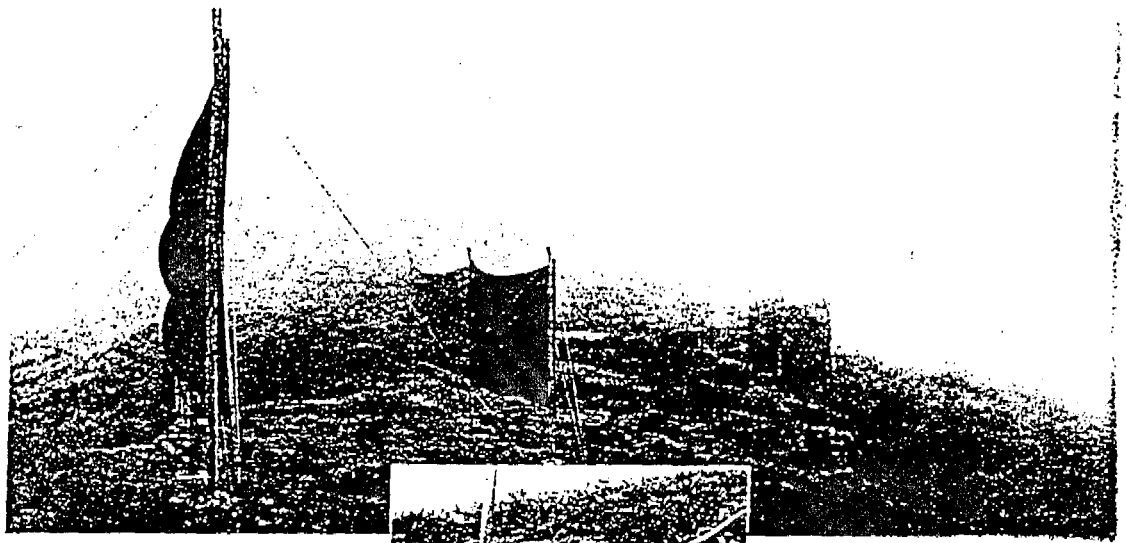
Therefore, Congress should establish a federal regulatory body that regulates the traffic but does not manage the scientific activity. In fact, the Commission should be expressly forbidden to engage in any aspects of management. The chairman and half of the commission members should represent the public interest in view of the overwhelming concern, interest and investment in the geographical area as compared to the cloud seeder's slight financial and emotional interest.

An advisory body composed of scientists of every discipline should be maintained on a permanent status as a "watch-dog" over cloud seeding activities. They should be required to look for possible damage to the economy, the public health, the ecology, the global physics and to search for international methods and practical methods to insure against foreign control of the nation's weather.

This is a large federal employment project, but the damage is far more serious. To restore the citizens' confidence in the federal and state governments, every cloud seeder should be required to register with the Federal Commission and to pay the costs to the Federal Commission of advising the County Commissioners of every county affected, of the project, of its nature and its duration and of inserting a public notice in one newspaper in each county. Cloud seeding in any agricultural area should not be permitted more than one-fifth period of time of the total growing season, as the possibility of increasing rain appears dim at this time. An environmental impact statement with substance should be required.

The Tri-State Natural Weather Association has requested the President of the United States announce a ban on all cloud seeding on or over the Appalachian Mountains and the Atlantic Coastal Plain for three years or until a federal regulatory commission is established, this to permit the economy to recover.

Earth Almanac



Milking a Cloud for All It's Worth—Water

In a thirsty world a cloud is a drink of water waiting to happen, and scientists have long tried to turn on the tap. Seeding clouds with silver iodide crystals to induce rainfall has been attempted for decades, with questionable results. Now, in a more direct approach, Chilean and Canadian scientists are catching ground-hugging clouds and milking them of water to aid a desert community.

Most days on Chile's arid coast windblown fogs called *camanchacas* stream in from the Pacific, promising rain to the fishing village of Chungungo but almost never delivering. To collect that moisture, researchers set up 50 fine-mesh nets, each 13 feet high and 39 feet long. When the fog blows through, the nets capture water droplets that add 2,500 gallons a day to a hilltop reservoir monitored by Canadian cloud physicist Robert S. Schemenauer (above right).

The cloud-strained water, now drawn straight from the reservoir, will soon be delivered by a four-mile pipeline. It should double the four gallons purchased daily by each of the town's 350 people. But Schemenauer adds, "Right now we're approaching this as both an aid project and a scientific venture."

"It's almost like finding a new species in the suburbs," says [illegible] Mittermeier, president of Conservation International [illegible] the 35,000-square-mile Superagüi [illegible] Capão da Imbuia [illegible] Museum. [illegible] known as [illegible] by islanders [illegible] nated [illegible] other members [illegible] of total body [illegible] some perched [illegible] two pygmy [illegible]

Stunning New Primate Species Found in Brazil

With lion-like manes that frame tiny wrinkled faces, lion tamarins—monkeys the size of large squirrels—are considered highly endangered, since they live only along Brazil's Atlantic forest region, reduced by development to less than 5 percent of its original size.

Three species of lion tamarins—the golden lion, golden-headed lion, and black lion tamarin—were heretofore known to science. Then last year a fourth, christened the black-faced lion tamarin, was discovered improbably close to the teeming Brazilian metropolises of São Paulo and Curitiba.

National Geographic, October 1001

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SENATE NATURAL RESOURCES
EXHIBIT NO. 6
DATE 1/15
BILL NO. 60, 72

Cloud seeding criticized

(2)

YOSEMITE NATIONAL PARK, Calif. — A cloud seeding flight over Yosemite National Park has upset officials and environmentalists who say it threatens the natural ecosystem and climate of the area.

Last Sunday's flight by Fresno-based Atmospherics Inc. was performed under a contract with the Turlock and Modesto irrigation districts. District officials said they are attempting to increase runoff by 2 to 7 percent.

The Desert Research Institute in Reno also operates a cloud-seeding program for the Sierra.

Yosemite Superintendent Michael Finley said Yosemite's cloud seeding must be stopped because it dispenses certain chemicals, including silver iodide. The chemicals are supposed to collect moisture to form snow or larger drops of moisture.

[redacted]

SUN DEC 2 1990

SAT MAR 9 1991

Forest Service bars cloud-seeding project

(3)

WASHINGTON, D.C. — The U.S. Forest Service has blocked California from starting a controversial experimental cloud-seeding program the state hoped would increase runoff into the State Water Project.

The Forest Service, in making its decision, called for more information on several aspects of the proposed plan, which was to have begun in the Sierra Nevada this winter above the small towns of Johnsville and Graeagle, 60 miles west of Reno.

The Forest Service decision is in no way related to the cloud-seeding program operated in the Sierra Nevada by the Reno-based Desert Research Institute since 1972. Larry Young, manager of the program, said the Nevada program stands in good stead with the Forest Service.

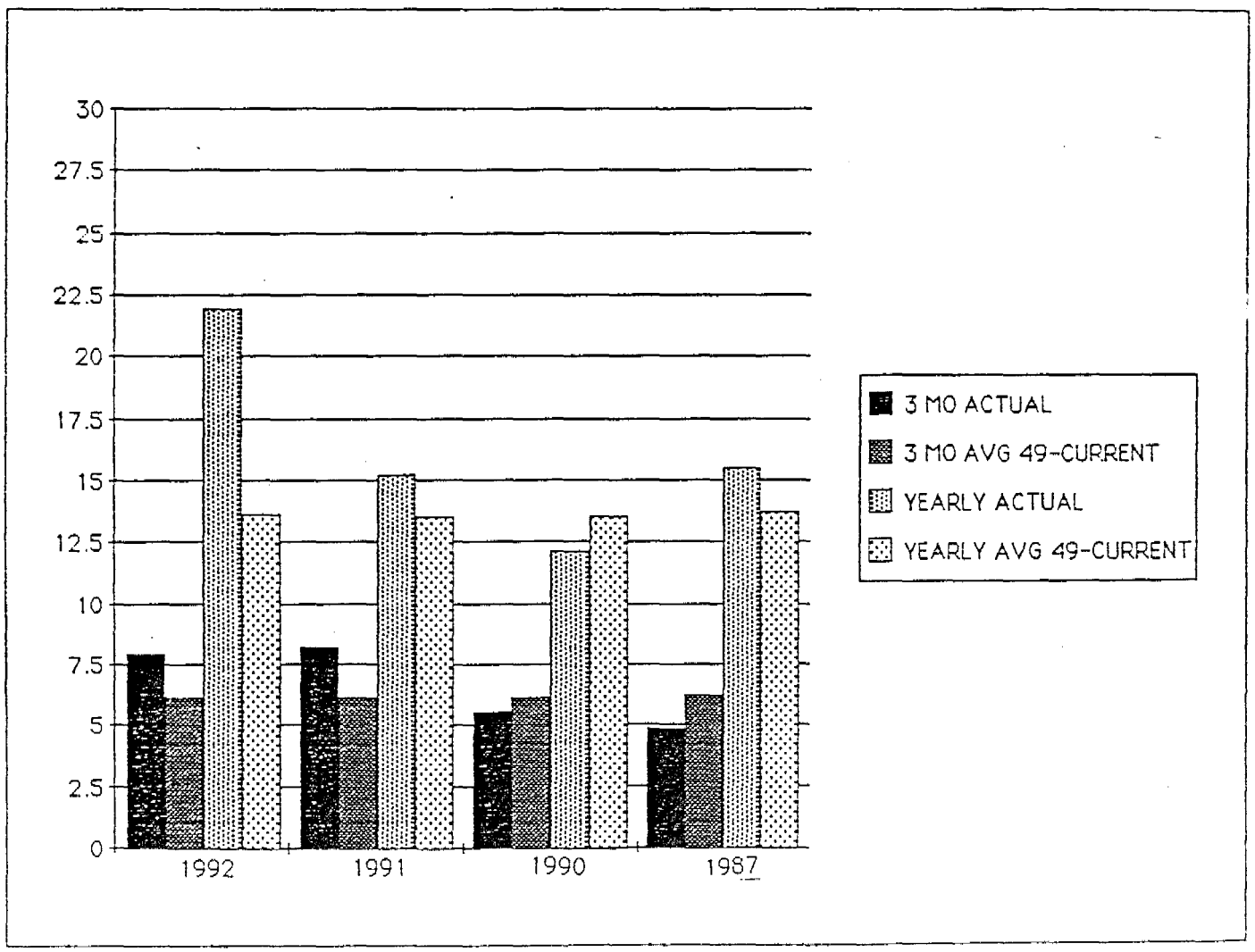
Before conducting the California experiment, the Forest Service wanted to know what effect any floods would have on small streams in the watershed [redacted] and on endangered and threatened species. Residents in Plumas County, Calif., also have said in past years that the cloud seeding could harm the flood-prone Sierra communities.

[redacted]

PRECIPITATION RECORDS
FROM
EASTERN AGRICULTURAL RESEARCH CENTER
SIDNEY, MT

NON CLOUD SEEDING YEARS

	A	B	C	D	E
1		JUNE-JULY-AUG	JUNE-JULY-AUGUST		
2	YEAR	3 MO ACTUAL	3 MO AVG 49-CURRENT	YEARLY ACTUAL	YEARLY AVG 49-CURRENT
3	1992	7.88	6.12	21.86	13.64
4	1991	8.15	6.1	15.18	13.49
5	1990	5.52	6.07	12.12	13.5
6	1987	4.86	6.26	15.54	13.75

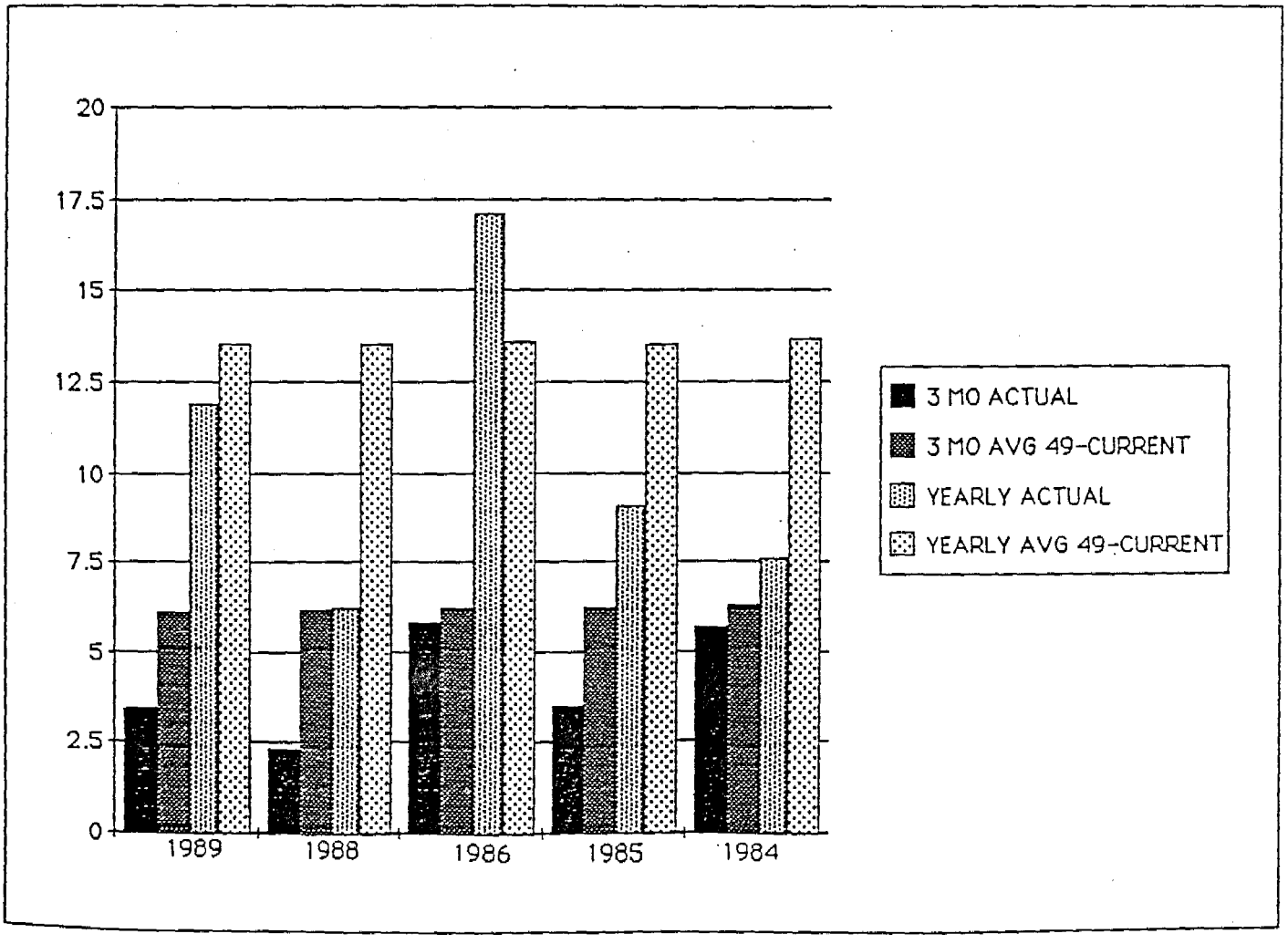


SENATE NATURAL RESOURCES
EXHIBIT NO. 7
DATE 1/15
BILL NO. SB 72

PRECIPITATION RECORDS
FROM
EASTERN AGRICULTURAL RESEARCH CENTER
SIDNEY, MT

CLOUD SEEDING YEARS

	A	B	C	D	E
1		JUNE-JULY-AUG	JUNE-JULY-AUGUST		
2	YEAR	3 MO ACTUAL	3 MO AVG 49-CURRENT	YEARLY ACTUAL	YEARLY AVG 49-CURRENT
3	1989	3.4	6.07	11.89	13.49
4	1988	2.31	6.15	6.18	13.53
5	1986	5.8	6.21	17.05	13.61
6	1985	3.51	6.18	9.05	13.5
7	1984	5.64	6.26	7.58	13.62



PRECIPITATION RECORDS
FROM
EASTERN AGRICULTURAL RESEARCH CENTER
SIDNEY, MT

EXHIBIT # 7
DATE 1-15-93
SB-60 + 72

SUMMARY

	A	B	C	D	E
1		JUNE-JULY-AUG	JUNE-JULY-AUGUST		
2		3 MO ACTUAL AVG	3 MO AVG 49-Count	YEARLY AVG Actual	YEARLY AVG AVG 1949 to Current
3	CLOUD SEEDING	4.13	6.17	8.63	13.55
4	NON SEEDING	6.6	6.1	16.17	13.54

Mr. Chairman and Members of the Committee:

My name is Doris Waller and I live on a farm and ranch near Circle, Montana. I come here today to ask you for your help. Because our present weather modification law no longer serves the best interests of Montanans, I ask for your help in changing this law.

As our legislators, you are responsible for protecting the interests of the people of Montana, NOT THE INTERESTS OF THE PEOPLE OF ANOTHER STATE.

I am sure that when our present weather modification law was written, it was intended to protect the Montana people. However, we have found out the hard way it does not protect us, so we need a change, and we need it now.

In the spring of 1992, for the third time in as many years, our Board of Natural Resources again denied a permit for North Dakota to come into Montana to seed our clouds. The right to grant or deny this permit was given to the Board of Natural Resources by our State law.

What did North Dakota do then? They took it to Court, a Montana Court, where one Judge made the decision. Because of the way our law was written, she ruled in favor of North Dakota and ordered our Board of Natural Resources to issue a permit to the North Dakota Atmospheric Board to seed the clouds over Montana. I don't think one person should be able to overrule a Board of seven, especially when this was a right and duty of this board given to them by our state law!

<u>This should never have happened and we must take steps to see it never happens again.</u> We need a change, and we need it now.

In 1992 North Dakota asked to come into Montana a distance of 20 miles to seed our clouds---they <u>compromised</u> with us and they were really giving us a big deal, or so they seemed to think. How many of you think they stop within the 20 miles? I don't, and I don't think many others do either, but that is beside the point. They could just as well have asked for 50 miles, 100 miles, or for that matter, asked to go clear to our western border. If they would have done that, do you think that would have made any difference on how the Judge ruled? Not one whit! And then how many people would have been impacted? This is another reason we need a change and we need it now!

...TE NATURAL RESOURCES
EXHIBIT NO. 3
DATE 1/15
BILL NO. 60

The people of the North Dakota Atmospheric Resources Board freely admit that it is not intended to benefit Montana in any way, and many of us in Eastern Montana believe that it is very harmful to us. To my way of thinking, if something is not going to benefit me, and in all probability will harm me, then it is time to change the rules.

Let's pass SB60, lets do it now and get on with other business that is facing our State. I prefer SB60 because this would end once and for all, all the meetings, hearings and testimony preparation we have to attend and make, and maybe by passing SB60 it might avoid another conflict at some future date with another state or another entity and there would not be the opportunity for loopholes like there is in the present law. THE PEOPLE OF MONTANA, THE STATE OF MONTANA AND OUR DEPT. OF NATURAL RESOURCES, do not have the time, the money or the patience to continue this battle.

I would also like to take this opportunity to ask you to consider all the signatures on petitions opposing the issuance of a permit that were gathered in 1992. These signatures of concerned people were ignored at our hearings and Court action, again because of our present law. I do not know just how many were gathered as a total, but there were many, and I do know I gathered 208 signatures in a small area around my home with very little effort and time spent and others worked in other areas. One lady told me she had something over 400 signatures and I could have gotten more signatures if I had tried. I know I lost quite a few signatures when some petitions at business places in Circle mysteriously walked off & the same thing happened to at least one other person gathering signatures, These people who signed this petition are also concerned and since their voices were not heard at the times of the hearings or Court action, I ask you to hear them today. It is not only those of us here that want to stop this cloud seeding, but those people as well.

I thank you for your time, and hopefully your support.

TO Sen. Betty Bruski MAUS

Board of Natural Resources

This letter is in regard to the North Dakota cloud seeding permits. I am strongly against North Dakota being issued these permits. My property is located twelve miles east of Glendive. Based on carrying capacity back to 1940 when my father acquired this property and a Great Plains contract started in 1976 that recommended a carrying capacity of 87 head, and my own records from 1970 on when I acquired this property. My carrying capacity has been reduced because of the long drought. The strange thing as I look back is the fact that while we were suffering the longest drought anyone had ever known, you could go thirty miles east or west of us and they were having a good year. Plus the fact that our drought coincided exactly with North Dakota's cloud seeding.

The worst of this is the long term effect on the range and environment. Where we used to have lots of grass at the end of the grazing season it has gotten so thin our carrying capacity has been cut in half. The range that was lush with western wheat grass is now blue with sage wort. Trees and shrubs have died and the wild life in our area has become very scarce.

Sincerely,

Charles Casey
Box 1044
Glendive, MT 59330

SENATE NATURAL RESOURCES
EXHIBIT NO. 9
DATE 1/15
BILL NO.

Year	$Feed Bought	Calves Sold
1970	1,305	73
1971	2,088	78
1972	1,524	64
1973	2,914	63
1974	2,080	50
1975	1,458	64
1976	1,039	78

Year	$ Feed Bought	Calves Sold	Head Less	Lost Income
1977	3,637	70		
1978	4,342	54	-16	5,168
1979	3,284	58	-12	5,376
1980	8,423	55	-15	5,790
1981	5,248	44	-26	7,450
1982	3,502	52	-18	5,670
1983	4,256	47	-23	7,774
1984	9,198	41	-29	10,701
1985	3,874	45	-25	6,175
1986	4,187	44	-26	8,814
1987	4,303	44	-26	12,084
1988	9,688	42	-28	12,628
1989	8,946	42	-28	14,028
1990	3,530	40	-30	14,430

~~Total Loss~~ $116,068

EXTYA Feed 51.604

TOTAL 167.672

TESTIMONY OF THE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
ON SENATE BILL 60, FIRST READING

BEFORE THE SENATE NATURAL RESOURCES COMMITTEE

JANUARY 15, 1992

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING WEATHER MODIFICATION AND CONTROL; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

The Department of Natural Resources and Conservation (DNRC) opposes this legislation which provides for the prohibition of weather modification and control activities within Montana, whether for research or operational purposes.

During the past 30 years, a variety of weather modification programs have been conducted within the borders of Montana. Among them we have seen operational programs aimed at dispersing fog over airport runways or increasing winter snowpack accumulations for purposes of improving hydropower generation capabilities. Another such venture was designed to increase the snowpack at a ski resort. Along with the operational efforts, Montana has been the site of premier research in the field of weather modification. During the late-1950's and into the 1960's, the U. S. Forest Service conducted research on lightning reduction over forested areas. Later, in the mid-1970's and also in the mid-1980's, researchers at Montana State University developed perhaps the most credible evidence in support of winter snowpack augmentation and laid the groundwork for a confirmatory research program. In the mid-1970's through the early-1980's, the DNRC cooperated with the U. S. Bureau of Reclamation in the HIPLEX Project, a major research effort focused on a technology for increasing growing season rainfall and the associated impacts.

As a large, semiarid state, Montana has seen a variety of undertakings aimed at developing its available water supplies. Recognizing that weather modification and control activities are among the tools employed, the 1967 Montana Legislature enacted the Montana Weather Modification and Control Act. Like similar laws in other states, the statute provides a regulatory mechanism for assuring that all weather modification operations are conducted by qualified individuals in the public interest. In authorizing extensive research and development, it also expresses a commitment to the further development of technology. If passed, Senate Bill 60 would repeal a long-standing statute and we would lose the capacity to develop and use this water management tool. As such, we urge a do not pass vote on this legislation.

SENATE NATURAL RESOURCES
EXHIBIT NO. 10
DATE 1/15
BILL NO. 60

DATE 1/15

SENATE COMMITTEE ON Natural Resources

BILLS BEING HEARD TODAY: SB 60, SB 72

Name	Representing	Bill No.	Check One: Support	Oppose
Del Kenitzer	Self	60-72		
JAN KENITZER	Self	" "		
Tina Rehbein	self	60-72	✓	
Bill Rehbein sr.	self	" "	✓	
Mark Simonich	DNRC	60-72		
Bernard Rear				
Jim Steinheisser	Montana Farm Bureau	60+72	✓	
Helen Waller	Self	60+72		
Stan Bradshaw	M.T.C.A.	60+72		
Tom Hassel	Farmer	60+72		
Ralph Bucki	Custer Co - Fallon Co - Ekalaka, MT	60-72		
Jim Jensen	MEIC	60-72	✓	
Lorna Frank	Mt. Farm Bureau	60+72	✓	
Lt. Curtiss-Ginn	Sen. Dist 12	60+72	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

NAME Helen Faller

ADDRESS SR 278 Box 15, Circle, MT.

HOME PHONE 485-3490 WORK PHONE same

REPRESENTING Self

APPEARING ON WHICH PROPOSAL? SB 60 + 72

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

Support SB 60

Support SB 72

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

NAME Chris Wallin

ADDRESS Box R Circle, Mt 59215

HOME PHONE 485-3404 WORK PHONE None

REPRESENTING Myself

APPEARING ON WHICH PROPOSAL? Cloud Seeding

DO YOU: SUPPORT SB60 OPPOSE _____ AMEND _____

COMMENTS:

I support Passage of Senate Bill 60

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETA

EH

Sen. Tveit said he believes the well drillers are most concerned about the manifold clause. Mr. Fritz again discussed DNRC's interpretation of the law and legislative intent, noting there may be other ways to interpret the statute.

Closing by Sponsor:

Sen. Devlin stated the permitting process takes too long, and urged the Committee to recommend that SB 172 Do Pass.

EXECUTIVE ACTION ON SB 225

Motion/Vote:

Sen. Weldon MOVED TO AMEND SB 225 (SB022501.PCS). The MOTION CARRIED UNANIMOUSLY.

Motion/Vote:

Sen. Grosfield MOVED SB 225 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 72

Motion:

Sen. Tveit MOVED TO AMEND SB 72 (SB007203.PCS).

Discussion:

Paul Sihler stated Don McIntyre, DNRC legal counsel, had suggested adding "commitment to a" funding agreement in the language in Section 6 of SB 72. Sen. Tveit stated he is moving the amendments with the addition of the commitment language in Section 6.

Sen. Swysgood stated New Section 3 would allow DNRC to issue a permit for seeding and depositing within Montana borders. He noted there would be no control over seeding inside Montana boundaries, if the rain was intended to fall in Montana. Sen. Bianchi stated opportunities would still exist for public comment and objection. Mr. McIntyre said legislative approval would not be required to receive a permit for seeding and depositing within Montana boundaries, but the rest of the requirements would apply.

Vote:

The MOTION to AMEND SB 72 CARRIED UNANIMOUSLY.

Motion/Vote:

Sen. Tveit MOVED SB 72 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 60

Motion/Vote:

Sen. Grosfield MOVED TO TABLE SB 60. The MOTION to TABLE CARRIED with Sen. Keating voting NO.

ADJOURNMENT

Adjournment:

Don Bianchi
SEN. DON BIANCHI, Chair

Leanne Kurtz
LEANNE KURTZ, Secretary

DB/lk

ROLL CALL

SENATE COMMITTEE Natural Resources DATE 2/5/93

NAME	PRESENT	ABSENT	EXCUSED
Bianchi	✓		
Hackett	✓		
Bartlett	✓		
Doherty	✓		
Grosfield	✓		
Keating	✓		
Kennedy	✓		
Swift	✓		
Suzzgad	✓		
McClernan	✓		
Treit	✓		
Weeding	✓		
Welden	✓		

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

February 5, 1993

MR. PRESIDENT:
We, your committee on Natural Resources having had under consideration Senate Bill No. 72 (first reading copy -- white), respectfully report that Senate Bill No. 72 be amended as follows and as so amended do pass.

Signed: Don Bianchi
Senator Don Bianchi, Chair

That such amendments read:

1. Title, line 10.
Following: "PUBLIC GOOD"
Strike: ","
Insert: "AND"

2. Title, line 10.
Following: "PROCEDURES"
Strike: ", AND A PUBLIC VOTE IN AFFECTED COUNTIES"
Following: ";"
Insert: "PROVIDING FOR LEGISLATIVE APPROVAL OF PERMITS FOR WEATHER MODIFICATION ACTIVITIES IN MONTANA IF THE PRIMARY BENEFIT OF THE ACTIVITY IS OUTSIDE MONTANA;"

3. Title, line 13.
Strike: "AN"
Insert: "A RETROACTIVE"

4. Page 2, lines 18 and 19.
Strike: "-- public vote"

5. Page 4, lines 15 and 16.
Following: "report"
Strike: remainder of line 15 through "met" on line 16

6. Page 4, line 17 through page 5, line 2.
Strike: subsection 4 in its entirety
Renumber: subsequent subsection

7. Page 5, lines 4 and 5.
Following: "(2)" on line 4
Strike: remainder of line 4 through "," on line 5.

8. Page 5, lines 7 through 15.
Strike: section 3 in its entirety
Insert: "NEW SECTION. Section 3. Legislative approval. The board may not issue a permit for a proposed weather modification activity in Montana if the primary benefit of the weather modification activity is outside Montana until the department petitions the next regular session of the legislature and the legislature affirms the decision of the board to grant the permit.

NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [section 3].

NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 6. Retroactive applicability. [This act] applies retroactively within the meaning of 1-2-109, to applications currently pending with the department of natural resources and conservation on or after [the effective date of this act] and to applications currently pending with the department for which a commitment to a funding agreement exists for the preparation of an environmental impact statement.

NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval."

-END-

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE BILL 072

Call to Order: By Cecil Weeding, Chair, on April 15, 1993, at 11:30 a.m.

ROLL CALL

Members Present:
Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus (D)
Sen. Gerry Devlin (R)
Rep. Bob Gilbert (R)
Rep. Bill Rehbein (R)
Rep. Linda Nelson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Todd Everts, Environmental Quality Council
Kathy Collins, Committee Secretary

Discussion:

Representative Gilbert asked Don MacIntyre, Department of Natural Resources and Conservation, if he felt having "east of meridian 106" would be more defensible in court than not having that language in SB 72. Mr. MacIntyre stated if he were preparing for a lawsuit, that language would enable a better defense. Mr. MacIntyre said there is a rational basis for drawing the line at the 106 meridian.

Senator Weeding asked if Montana has had an out-of-state application other than that of North Dakota. Mr. MacIntyre said "no."

Senator Devlin stated this does not mean it could not happen. He said he felt including the whole state would make the law more defensible rather than the other way around. He said "east of meridian 106" should be stricken from the amendment prepared by Todd Everts (Exhibit #1).

Representative Nelson stated Senator Devlin's suggestion would make SB 72 more acceptable by the Legislature.

Motion/Vote:

Senator Devlin moved to substitute the amendment made by the House with Todd Everts' amendment (with the deletion of "east of meridian 106"). The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:40 a.m.

SENATOR CECIL WEEDING, Chair

KATHY COLLINS, Secretary

CW/kc

ROLL CALL

~~(FREE)~~ CONFERENCE COMMITTEE

ON HOUSE / SENATE BILL # SB 72

DATE 4/15/97

NAME	PRESENT	ABSENT	EXCUSED
Sen Wedding Chair	✓		
Sen Brusici Maus	✓		
Sen Devlin	✓		
Rep L. Nelson	✓		
Rep Reibein	✓		
Rep Gilbert	✓		

Conference Committee
on Senate Bill No. 72
Report No. 1, April 15, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill No. 72, met and considered:

Amendments to Senate Bill No. 72

We recommend that Senate Bill No. 72 (reference copy - salmon) be amended as follows:

1. Title, lines 15 and 16.
Strike: "REQUIRING" on line 15 through "PROGRAM" on line 16
Insert: "PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS FOR WEATHER MODIFICATION ACTIVITY IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS"

2. Page 6, lines 4 through 14.
Strike: Sections 3 and 4 in their entirety
Insert: "NEW SECTION. Section 3. Statement of policy. The legislature, pursuant to its mandate and authority under Article IX of the Montana constitution, declares that it is the policy of the state that before further development of certain atmospheric water resources within Montana may occur, the 1995 session of the legislature must be provided with information concerning the expected environmental impacts of any anticipated weather modification activities.

NEW SECTION. Section 4. Suspension of action -- report to legislature. (1) Prior to April 30, 1995, the board may not grant an application for a proposed weather modification activity if the primary benefit of the weather modification activity is outside Montana.

(2) For any pending application or for any application filed after [the effective date of this act] for a permit to conduct weather modification activities suspended under subsection (1), the department of natural resources and conservation and the applicant shall, in consultation with the water policy committee,

ADOPT

---

comply with the requirements of 85-3-202(1). The department shall submit the report and environmental impact statement to the water policy committee. The water policy committee shall consider the report and environmental impact statement and submit a final report to the legislature. The water policy committee need not file a weather modification report to the legislature if the department does not file a report and environmental impact statement with the water policy committee prior to October 1, 1994."
Renumber: subsequent sections

And that this Conference Committee report be adopted.

For the Senate:

Sen. Weeding, Chair

Sen. Btuski-Maus

Sen. Devlin

Amd. Coord.
Sec. of Senate

For the House:

Rep. Gilbert, Chair

Rep. Rehbein

Rep. Nelson

C.C.R. #1
SB 72
831224CC.San

Exhibit #1
4-15-93
Conference Committee
SB 72

Amendments to Senate Bill No. 72
Reference Copy

For the Senate/House Conference Committee

Prepared by Todd Everts
April 8, 1993

1. Title, lines 15 and 16.
Strike: "REQUIRING" on line 15 through "PROGRAM" on line 16
Insert: "PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS FOR WEATHER MODIFICATION ACTIVITY EAST OF THE 106TH MERIDIAN IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS"

2. Page 6, lines 4 through 14.
Strike: Sections 3 and 4 in their entirety
Insert: "NEW SECTION. **Section 3.** Statement of policy. The legislature, pursuant to its mandate and authority under Article IX of the Montana constitution, declares that it is the policy of the state that before further development of certain atmospheric water resources within Montana may occur, the 1995 session of the legislature must be provided with information concerning the expected environmental impacts of any anticipated weather modification activities.

NEW SECTION. **Section 4.** Suspension of action -- report to legislature. (1) Prior to April 30, 1995, the board may not grant an application for a proposed weather modification activity east of meridian 106° if the primary benefit of the weather modification activity is outside Montana.

(2) For any pending application or for any application filed after [the effective date of this act] for a permit to conduct weather modification activities suspended under subsection (1), the department of natural resources and conservation and the applicant shall, in consultation with the water policy committee, comply with the requirements of 85-3-202(1). The department shall submit the report and environmental impact statement to the water policy committee. The water policy committee shall consider the report and environmental impact statement and submit a final report to the legislature. The water policy committee need not file a weather modification report to the legislature if the department does not file a report and environmental impact statement with the water policy committee prior to October 1, 1994."
Renumber: subsequent sections

hazardous waste, he noted. **SEN. YELLOWTAIL** questioned what would happen with hazardous waste that goes up the stack, is not consumed, and is trapped during a thermal conversion. **EXHIBIT 66**
A reporter from a state newspaper contacted legislators in November for their individual opinion on issues facing the session, **SEN. YELLOWTAIL** said. In this interview, 79 of the 100 people elected to the House and 40 members of the 50-seat Senate said that the legislature should enact statewide limitations on the locations of hazardous material incinerators.

"We are charged with establishing public health and safety in this state," **SEN. YELLOWTAIL** said. "The committee was right in saying they should honor the public will...there is clearly enormous doubt as to the safety of these incinerators and it certainly is the public will that not be carried on in Montana," he concluded.

HEARING ON SB 72

Opening Statement by Sponsor:

SEN. GERRY DEVLIN, SD 13, Terry, said SB 72 would grant permits to seed clouds over Montana. He stated amendments to the bill are proposed. **EXHIBIT 67**

Proponents' Testimony:

Jim Jensen, Montana Environmental Information Center (MEIC), said SB 72 ensures that people are involved in their government.

SEN. LARRY TVEIT, SD 11, Fairview, stated that the North Dakota Atmospheric Pressure Board (NDAPB) currently seeds clouds in five counties in North Dakota. In 1990 and 1991, the DNRC denied NDAPB authority to continue to seed clouds in those counties bordering North Dakota, however, in 1992 the ruling was overturned in district court. SB 72 will require an Environmental Impact Statement to determine if Montana is being affected by the seeding. **SEN. TVEIT** distributed a pamphlet, "The Rain Making Myth." **EXHIBIT 68.** A barley crop production report from State Farm Fire and Casualty Company, Rain & Hail Insurance Service, Inc. was also submitted as testimony **EXHIBIT 69** and a 1988 Disaster Program work sheet from Timothy J. Klasna, Lambert, insured. **EXHIBIT 70**

Mark Simonich, Director, Department of Natural Resources and Conservation (DNRC), said the department would support the proposed amendment.

Don MacIntyre, DNRC, legal counsel, emphasized that the EIS will make necessary scientific determinations regarding cloud seeding.

Jamie Doggett, Montana Cattlewomen, testified on behalf of eastern Montana cattlewomen.

Bernard Peas, Lambert, member of the Organic Crop Association, said he did not want rainfall in Montana reduced. **EXHIBIT 71**

Doris Waller, Circle rancher, urged passage of SB 72 but requested a change in Section I, paragraph 2. **EXHIBITS** 72 and 73

Helen Waller, who resides within 100 miles of the North Dakota border, supported SB 72.

Tom Brutback said the EIS was necessary to provide data on cloud seeding.

REP. BILL REHBEIN, HD 21, Lambert, said he supported the bill.

Opponents' Testimony:

Testimony was submitted on behalf of **Julius Honeyman, Regent, North Dakota, by Joe Steinbeisser, Jr. EXHIBIT 74**

A recall petition for the abolition of the Slope County, North Dakota Weather Modification Authority was submitted. **EXHIBIT 75**

Jay Sandstrom, President, North Dakota Weather Modification Association, opposed SB 72. **EXHIBIT 76**

Melvin Leland, Sidney, submitted testimony opposing the issuance of a cloud seeding permit as requested in SB 72. **EXHIBIT 77**

Questions From Committee Members and Responses:

REP. TOOLE asked **Mr. MacIntryre** what the procedure would be if North Dakota would not submit to an EIS. **Mr. MacIntyre** stated that if Montana requested compliance, North Dakota would have to conform.

REP. TOOLE asked **Mr. MacIntryre** if North Dakota was fully aware of SB 72 legislation. **Mr. MacIntryre** responded, yes, North Dakota was involved in the legislation.

Mr. Simonich noted that a North Dakota engineer was following through on SB 72 to determine how an EIS would be beneficial.

REP. WAGNER asked **Mr. MacIntyre** to verify the life expectancy of an application. **Mr. MacIntyre** said the applications would be reviewed on an annual basis but in some cases, the permit could be for a longer period of time.

Closing by Sponsor:

SEN. DEVLIN said that not all counties in eastern Montana have opted for a weather modification plan. He informed the committee SB 72 had passed the Senate unanimously.

HOUSE OF REPRESENTATIVES

Natural Resources COMMITTEE

BILL NO.

ROLL CALL DATE 3/17/93

NAME	AYE	NO	
Jody Bird	Y		
Vivian Brooke	Y		
Rugg Fagg	Y		
Gary Feland	Y		
Mike Foster	Y		
Bob Gilbert	Y		
Hal Harper	Y		
Scott Orr	Y		
Bob Raney	Y		
Dore Schwinden	Y		
Jay Stovall	Y		
Emily Swanson	Y		
Howard Toole	Y		
Doug Wagner	Y		
Rolph Tunby, Vice Chairman	Y		
Dick Knox, Chairman	Y		

HR:1993

EXHIBIT #1
DATE 3-11-93
HB SB 72

Amendments to Senate Bill No. 72
Third Reading Copy

For the Committee of the Whole

Prepared by Michael S. Kakuk
March 26, 1993

s 11 through 14.
;" on line 11
DING" on line 11 through "MONTANA" on line 14
RING A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT
WEATHER MODIFICATION PROGRAM"

es 19 through 25.
on 3 in its entirety
N SECTION. Section 3. Programmatic environmental
nt. The board may not issue a permit under 85-3-
department has prepared a programmatic
l impact statement on activities under Title 85,
provided for under 75-1-201 and rules adopted
-1-201. The programmatic environmental impact
st be completed by November 1, 1994."

NOV 20 '92

ND ATMOSPHERIC
RESOURCE BOARD

NATIONAL WEATHER SERVICE
ROOM 210, ADMIN. BUILDING
LOGAN INTERNATIONAL ARPT.
BILLINGS, MT 59105

NOVEMBER 17 1992

BRUCE BOE, DIRECTOR
NORTH DAKOTA ATMOSPHERIC RESOURCE BOARD
900 EAST BOULEVARD
BISMARCK, NORTH DAKOTA 58505-0850

SUBJECT: LETTER OF APPRECIATION FOR RADAR DATA PROVIDED BY NORTH DAKOTA RADAR NETWORK AT BOWMAN, ND.

Dear Mr. Boe,

One of the primary missions of the National Weather Service is to reduce the risk from life/injury threatening weather events.

We are constantly trying to upgrade the quality of service provided to people in our area of responsibility. During the past severe weather season, your radar office at Bowman helped us to improve our services to people in Southeast Montana.

While the summer of 1992 was relatively quiet in terms of severe weather for Southeast Montana, the Bowman office still was able to provide much needed accurate radar information to our office.

Our staff appreciated the cooperation and information given by the Bowman staff. On behalf of Mr. Bert Nelson, MIC and his staff; please convy our "thanks" to Darin Langerud and Rory Mitchell for their assistance this past season.

Sincerely yours,

Thomas W. Karl
Disaster Preparedness
Program Leader

SENATE 68
3-17-93
SB 72

EXHIBIT 11
DATE 3-17-93
HB SB 72

The nine counties pooled $142,500 and contracted with Weather Modification, Inc. of Bowman, who retained Alex Koscielski as project meteorologist, and placed three aircraft in the target area. Mr. Koscielski, a former Texan and research meteorologist at South Dakota's School of Mines and Technology, claimed that as a result of long experience he could tell "80 percent of the time" which cloud is "good" for modification. The meteorologist explained the use of silver iodide for seeding, saying that there would be no rain without pollution.*

> When we introduce an agent (silver iodide), we launch the process of contact nuclearization [sic]--artificial embryos around which raindrops can form. When they get heavy enough they fall (*The Sunday Forum* July 14, 1974, p. D3).

The article continued,

> . . . The cloud seeding adds heat, makes the clouds more vigorous. Since hail suppression often means the breaking up of the storm cloud with a decrease in precipitation, Koscielski must decide if hail loss or rain loss will have the greater economic impact.
>
> It's a multi-million dollar decision, but Koscielski feels that his experience, his radar view, and his flow of information from pilots aloft make it possible to guess right that 80 percent of the time.

NODAK's executive secretary Zittelman calculated that the 1974 nine-county operation cost .0206 cents/acre. Barnes County taxpayers paid a per-acre cost of just over three cents; Griggs and Steele Counties paid one and one-half cents per acre. With wheat at $5/bushel, "figure it out yourself what another 10 or 15 percent of moisture can do for you," Walter Stine observed.

> Weather modification is not a substitute but an adjunct to good farming. It's just another handy tool (*The Sunday Forum* 1974, D3).

NODAK negotiated a 1975 contract with Weather Modification, Inc. for $128,800 to conduct the 1975 season (*Bismarck Tribune* April 5, 1975: 16). Funding for eight counties came from the two-mill levy (Barnes, Benson, Eddy, Foster, Griggs, Kidder, Nelson, and Wells). Support from Burleigh County was raised by funds from townships and private donors. Funding from Stutsman and Steele Counties was initially uncertain; Steele County did have a program in 1975 while Stutsman did not. 1974 turned out to be the last year of seeding in Stutsman County. The 1975 NODAK effort was active from May 15 through August 31.

The NODAK group passed a motion in early April 1975 to ask the state legislature for cost-sharing with the weather modification program (*Bismarck Tribune* April 11, 1975). Representative Lawrence Dick (R-Engelvale) said that the cities favored weather modification and "want to pay their share." The motion asked for 75 percent of project

*Mr. Schock said in 1988 that these comments created public relations problems for the state program.

EXHIBIT 12
DATE 3-17-93
HB SB72

Mr. Chairman and Members of the Committee:

I am Doris Waller and I live on a farm and ranch near Circle, Montana.

I ask for your help to pass SB72. However there is one change I would like to see made in that bill.

I would like to see Section I, paragraph 2, changed so that ALL PROJECTS, whether research or otherwise, comply with the law in the same manner. I see no reason why research projects or any of the other projects mentioned should be exempted from the permit requirements for several reasons. First, IT LEAVES A BACK DOOR OPEN for out of state interests to enter. Next, those projects also BUS THE RAIN AROUND like any other project, THEY DROP SILVER IODIDE ON US just like any other project, and THEY CAN CREATE FLOODS AND DISAPPATE OUR CLOUDS like any other project, SO WHY SHOULD THEY NOT HAVE TO COMPLY WITH THE LAW the same as any other project?

It is a terrible sin in the eyes of many to use animals for experiments which might someday help to save human lives, but yet there seem to be those who think it is alright to use humans for experiments. That is exactly what they are doing with weather modification projects, whether they are experimental or operational.

I also think the time has come for the BURDEN OF PROOF TO REST WITH THE INVADERS instead of us. For far to long we have been asked to prove that they are harming us. NOW LET THE OTHER SIDE PROVE THEY ARE BENEFITTING US! This should apply to ALL PROJECTS, whether they are operational or research.

Please consider these requests and help us pass SB72 so we can get on with other business.

I thank you for your time and hopefully for your support.

EXHIBIT 13
DATE 3-17-93
HB SB 72

Mr. Chairman and Members of the Committee:

My name is Doris Waller and I live on a farm and ranch near Circle, Montana. I come here today to ask you for your help. Because our present weather modification law no longer serves the best interests of Montanans, I ask for your help in changing this law.

As our legislators, you are responsible for protecting the interests of the people of Montana, NOT THE INTERESTS OF THE PEOPLE OF ANOTHER STATE!

I am sure that when our present weather modification law was written, it was intended to protect the Montana people. However, we have found out the hard way it does not protect us, so we need a change, and we need it now.

In the spring of 1992, for the third time in as many years, our Board of Natural Resources again denied a permit for North Dakota to come into Montana to seed our clouds. The right to grant or deny this permit was given to the Board of Natural Resources by our State law.

What did North Dakota do then? They took it to Court, a Montana Court, where one Judge made the decision. Because of the way our law was written, she ruled in favor of North Dakota and ordered our Board of Natural Resources to issue a permit to the North Dakota Atmospheric Board to seed the clouds over Montana? I don't think one person should be able to overrule a Board of seven, especially when this was a right and duty of this board given to them by our state law!

<u>This should never have happened and we must take steps to see it never happens again.</u> We need a change, and we need it now.

In 1992 North Dakota asked to come into Montana a distance of 20 miles to seed our clouds---they <u>compromised</u> with us and they were really giving us a big deal, or so they seemed to think. How many of you think they stop within the 20 miles? I don't, and I don't think many others do either, but that is beside the point. They could just as well have asked for 50 miles, 100 miles, or for that matter, asked to go clear to our western border. If they would have done that, do you think that would have made any difference on how the Judge ruled? Not one whit! And then how many people would have been impacted? This is another reason we need a change and we need it now!

The people of the North Dakota Atmospheric Resources Board freely admit that it is not intended to benefit Montana in any way, and many of us in Eastern Montana believe that it is very harmful to us. To my way of thinking, if something is not going to benefit me, and in all probability will harm me, then it is time to change the rules.

Let's pass SB60, lets do it now and get on with other business that is facing our State. I prefer SB60 because this would end once and for all, all the meetings, hearings and testimony preparation we have to attend and make, and maybe by passing SB60 it might avoid another conflict at some future date with another state or another entity and there would not be the opportunity for loopholes like there is in the present law. THE PEOPLE OF MONTANA, THE STATE OF MONTANA AND OUR DEPT. OF NATURAL RESOURCES, do not have the time, the money or the patience to continue this battle.

I would also like to take this opportunity to ask you to consider all the signatures on petitions opposing the issuance of a permit that were gathered in 1992. These signatures of concerned people were ignored at our hearings and Court action, again because of our present law. I do not know just how many were gathered as a total, but there were many, and I do know I gathered 208 signatures in a small area around my home with very little effort and time spent and others worked in other areas. One lady told me she had something over 400 signatures and I could have gotten more signatures if I had tried. I know I lost quite a few signatures when some petitions at business places in Circle mysteriously walked off & the same thing happened to at least one other person gathering signatures, These people who signed this petition are also concerned and since their voices were not heard at the times of the hearings or Court action, I ask you to hear them today. It is not only those of us here that want to stop this cloud seeding, but those people as well.

I thank you for your time, and hopefully your support.

DATE 3-17-93
HB SB 72

HCR 1, Box 19
Regent, ND 58650

Since the state of Montana is having a discussion about weather modification, I find it necessary to drop you a line expressing my feelings on the subject.

I am a farmer and resident of Hettinger County, North Dakota, and we have had weather modification in our county since the early sixties. The program was voted down by our residents in 1988.

Weather modification promoters talk about rain increase. PHOOEY! My own rain records show the past 15 years, rainfall through the months of June, July and August (when weather modification activities are practiced), averaged 1.20 inches below normal. This is further reinforced by weather modification's own records, showing treated counties receive less rainfall than the surrounding counties that have no weather modification program.

Weather modification promoters say they decrease the hail by 47%. NUTS! If our hail is reduced, then why do the counties (Bowman, Slope and Hettinger) have the highest insurance rates per $100 coverage in the state of North Dakota (currently $15 per $100)? All of the surrounding counties pay a lesser premium. If weather modification is working so well, why are counties pounding on the door to get out rather than knocking to get in. Keep in mind that weather modification used to be active in nearly all of the North Dakota counties, and now they are down to a scant five.

A program of this type should be growing on it's own merits and shouldn't have to be shoved down the resident's throat. My advice to anyone thinking of a modification program - Leave it alone, you'll get burnt, you'll get dry, you'll get mad, you'll still get plenty of hail, and you'll probably lose all of your morals when you see them breaking up your clouds. Don't be lead into a program that does nothing but harm!

Sincerely,

Julius Honeyman

EXHIBIT 16
DATE 3-17-93
HB SB 72

NORTH DAKOTA Weather Modification Association

1501 N. 12TH ST. • BOX 2599 • BISMARCK, ND 58502 • 701-223-4232

Date: February 19, 1993

To: Members, Committee on Natural Resources

From: Jay Sandstrom, President, North Dakota Weather Modification Association Jay

Re: Senate Bill No. 72

Dear Committee Member:

The attached information is provided at the request of Representative Gilbert. He has noted, as has this association, that information regarding North Dakota cloud seeding operations over extreme eastern Montana is in short supply in Helena. We are aware of frequent misstatements regarding the program's effects and safety, and feel it necessary to attempt to "set the record straight" in some small way.

First let me note that operations are conducted (if they're conducted) over two small "buffer zones" at the extreme eastern end of the state (see enclosed map). Last year, cloud seeding was conducted over Montana on only four occasions, each of rather limited duration. Total time actually spent seeding was only 3.31 hours. The average seeding time for a full season (not just August like last year) has ranged from eight to twelve hours, for the whole summer. While seeding is conducted for effect in North Dakota, previous examinations of our program conducted by Montana DNRC technical staff indicate no adverse effect in Montana. In fact, in a technical memorandum issued in 1991, DNRC staff indicated that if Montana sees any effect at all, it is likely positive. This statement was based upon the fact that seeding *accelerates* precipitation development, and *does not delay it.* At any rate, the seeding has been very limited, designed only to subdue damaging hailstorms as they move into North Dakota. This Association finds it very interesting that because of this finding, in 1992 the technical staff were told that they would make no recommendations, and that the Board of Natural Resources and Conservation (BNRC) would "handle it".

The drought that has brought on this debate about the merits of our program has not been a localized phenomenon, but instead has been regional. An attached graph of seasonal precipitation totals for Sidney (within the buffer) and Miles City (well west of it) is enclosed. The data are taken directly from the *National Climatic Data Center's* publication titled *Climatological Data - Montana.* What it shows is that when Miles City is dry so is Sidney, and when Miles City is wet, so is Sidney. Opponents of our program would have you believe that our very limited seeding in a very limited area is responsible for a regional effect. We are aware of no evidence that supports this conclusion.

That's why, when after the BNRC acted to deny the permits, we elected to appeal. It seemed to us that the BNRC had ignored our supporting documentation, and had decided well in advance of the hearing what the outcome would be. The judge agreed, noting that there existed no factual basis in the record for such a denial, and ordered the BNRC to issue the permits, which they eventually did. This year, the approach of those opposing us has changed. Failing to win on a factual basis, they are now asking you to deal with it from an emotional, political approach. There are a number of Montanans who support our program, and appreciate what it does for them. Many signed petitions of support, including businessmen from the Fairview and Sidney areas. These petitions were submitted during last year's hearing, and were made part of the formal record, but apparently had no weight with the BNRC.

We're not asking for much, and our program is certainly not guilty of causing any harm. I ask only that you do your best to separate the emotion from the facts, and then that you act on a factual basis. Thank you for your consideration.

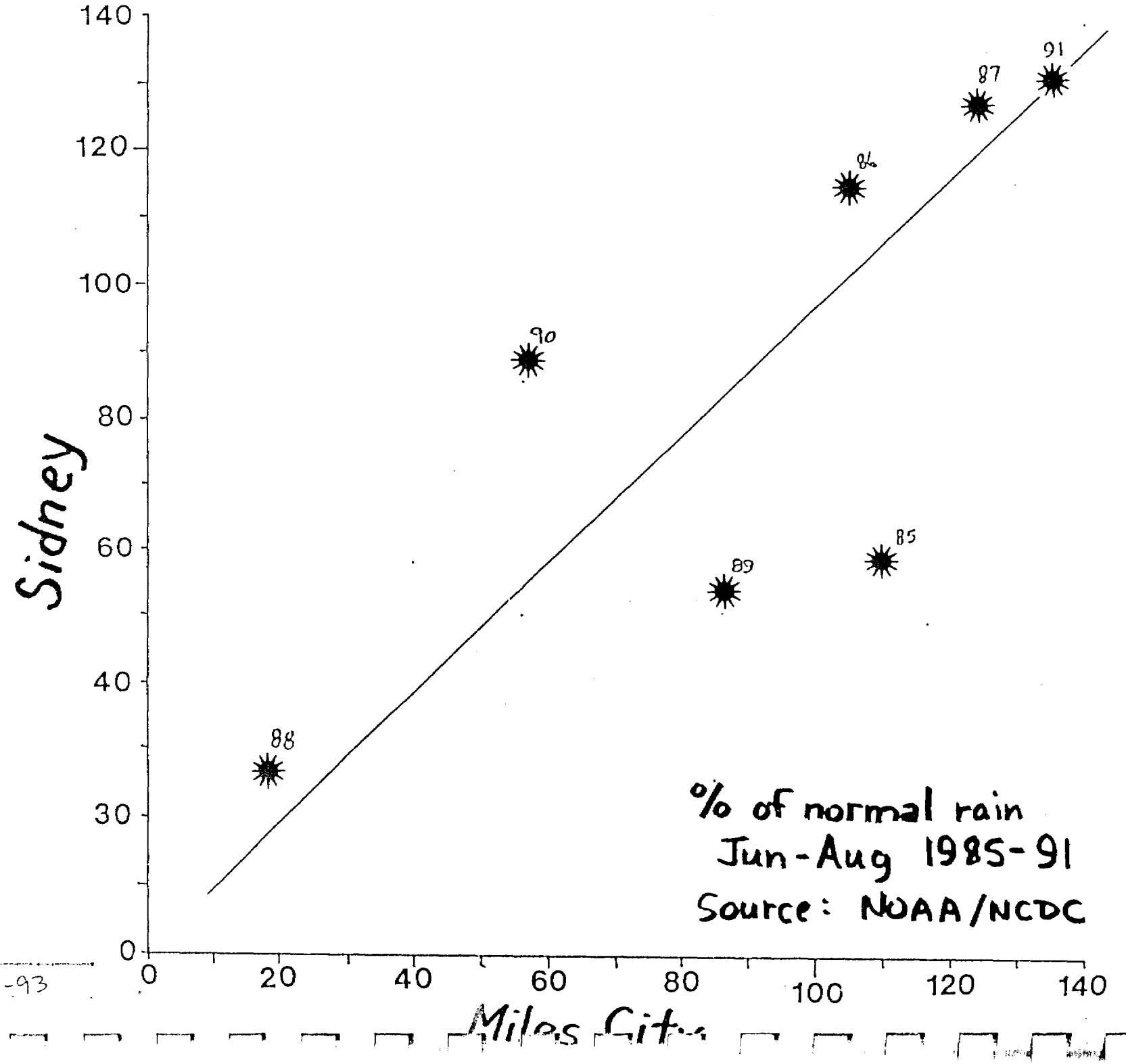


EXHIBIT 76
DATE 3-17-93
SB72

EXHIBIT 76
3-17-93
SB72

24 — MONTANA

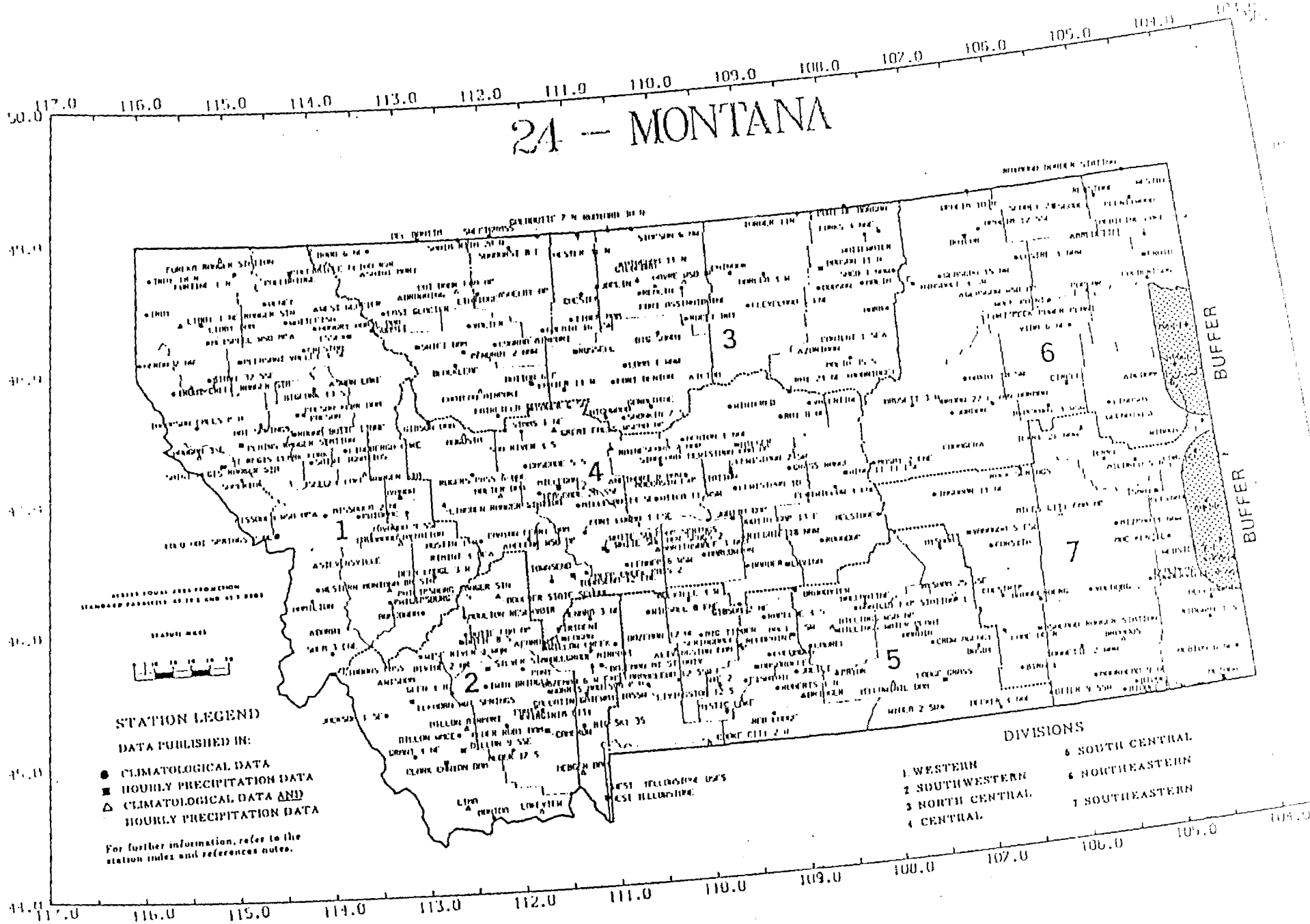


EXHIBIT 76
DATE 3-17-93
SB 72

Who's using it, and where?

Cloud seeding: What does the technology have to offer?

In North Dakota, we sometimes get the feeling that we're alone when we talk about operational cloud modification; often called "weather modification" or "cloud seeding". Most of us aren't aware of how far the technology has advanced in the last decade, or of how widespread operations have become. However, we're far from alone. Water managers across the Western United States have chosen to apply the technology as another of the tools in complete water management packages. The *Western States Water Council* and the *Interstate Council on Water Policy* both endorse the development and application of cloud seeding technology. In 1992, the *American Meteorological Society* (Boston) and the *World Meteorological Organization* (Geneva) both issued revised policy statements which were more positive and encouraging then ever before.

Other western states with cloud seeding programs include the following: Arizona is designing a program for snowpack augmentation. California, perhaps the most environmentally conscious state, now has 21 projects at last count, including cities, utilities, and irrigation. Colorado has snowpack augmentation programs for skiing and irrigation. Idaho has a snowpack augmentation project in southern portion of the state. Kansas has an ongoing hail suppression and rainfall enhancement project. Nevada operates a substantial snowpack augmentation in the Sierra Nevada. Even Oregon has a rainfall enhancement program in its eastern "rain shadow". Texas has several rainfall enhancement projects in western portions of the state. Utah operates a nearly statewide snowpack augmentation program, and Wyoming has a snowpack augmentation program for irrigation purposes in the Eden Valley.

Other states, including Nebraska, Illinois, Oklahoma, and South Dakota, in the last few years have expressed interest in starting projects, or have conducted exploratory operations. North Dakota isn't alone, just a leader.

Foreign nations with active projects presently include: Australia, Austria, Argentina, Brazil, Bulgaria, China, Chile, France, Germany, Greece, Hungary, India, Israel, Indonesia, Italy, Jordan, Libya, Madagascar, Malaysia, Morocco, Norway, the Philippines, several Russian republics, Saudi Arabia, Spain, South Africa, Thailand, Turkey, the United Arab Emirates, Yugoslavia, and Zimbabwe.

A big impact on North Dakota economy

Since the mid-1980's a number of *independent* evaluations of the effects of North Dakota's cloud seeding program have been conducted. Institutions conducting these evaluations included North Dakota State University[5], Colorado State University[4], Amos Eddy, Inc.[2], the Oklahoma Climatological Survey[1], and the South Dakota School of Mines & Technology[3]. *Every one of these evaluations has indicated a positive effect. These reports are summarized as follows:*

Rainfall - increases from 7% to 14%, in and downwind of target
(Eddy[1] and Cooter[1], 1979; Eddy[2] *et al.*, 1982; H. Johnson[1], 1985)

Hail - decreases averaging 43% in target areas
(Smith[3], Miller[3], and Mielke[4], 1987)

Wheat Yields - up 6% in target areas
(Smith[3], L. Johnson[3], Priegnitz[3], Mielke[4], and J. Johnson[5], 1992)

Economics- costs $.10/acre, direct benefits $2 to $8/acre
(Enz[5] *et al.*, 1982; Schaffner[5] *et al.*, 1983; J. Johnson[5] *et al.*, 1989)

Complete copies of these evaluations can be obtained by contacting the responsible institution, or by writing to the Atmospheric Resource Board, 900 East Boulevard, Bismarck, ND 58505.

Peter vs Paul: Who wins waterwise when clouds are seeded?

For years, its been called the "Peter and Paul" argument. The question is: "When clouds are seeded, do the areas downwind get less rain because more was taken out upwind?" The answer to this question is a resounding "NO!", but the reasons aren't obvious unless one considers some of the mechanics of the northern Great Plains hydrologic cycle.

First, consider the water budget of a typical thunderstorm. The efficiency of a given storm is the ratio of how much precipitation (rain and hail) falls, to the total water vapor taken in from the atmospheric as a whole. A typical storm might ingest 3% to 5% of the available atmospheric moisture around it-- most of the water vapor in the sky never gets into the storm at all. Remember, most storms draw in air primarily from the lowest few thousand feet nearest the ground. A storm that converts one tenth of this water vapor to precipitation is not unusual, for the other 90% remains in the atmosphere as cloud droplets and ice crystals, too small to fall out, or simply evaporates back into the air. Thus, the 10% increase in rainfall due to cloud seeding would be 10% of the 3% to 5% initially sucked into the storm, or about 0.5% change in what remains in the atmosphere.

However, the hydrological cycle is just that, *a cycle*, and water that falls from a storm doesn't cease to exist. It is recycled, quickly evaporated back into the atmosphere, much of it used by plants as they grow. The low level atmospheric moisture, so critical for thunderstorm development, is thus replenished. Examination of weather records shows that years with adequate rainfall are those years having higher humidities. This is logical; more rain is likely to fall downwind from a forest or well-vegetated area than from a desert or semiarid region. In a very real sense, precipitation one day increases the chances for precipitation in the same area and downwind of it the next-- a *positive feedback mechanism.*

But still, that's not the whole answer to the "Peter and Paul" question. Any climatologist or meteorologist well acquainted with North Dakota weather patterns will tell you that most low level moisture, so essential to the production of adequate rainfall, comes *not from the Pacific Ocean, but from the Gulf of Mexico.* While it is true that the weather systems themselves most often originate to our west, it is the southeasterly low level flow in advance of these systems that pumps the Gulf moisture into the state. Take a look at the average precipitation patterns over the state. The wettest portion of the state is the part closest to the water source-- the southeast, while the driest is the furthest away, the northwest. Thus, arguing that seeding to the west of a location deprives that location of moisture by diverting it makes little sense, as most of the *essential low-level* moisture is flowing in from the southeast, not the west. In summary:

- ***The changes in the whole atmospheric water budget are 1% or less.***
- ***The additional rainfall that results from seeding is NOT LOST, BUT RECYCLED.***
- ***The major moisture source is southeast, not west, of the target clouds.***

Cloud seeding is a water management tool which allows existing clouds to better utilize their energy, producing more rainfall and decreasing hailfall.

Everybody wins.

Radars provide boost for local civil defense efforts

Weather radars used to guide cloud seeding operations are the same as those presently used by the National Weather Service in North Dakota. Project meteorologists operating the radars based in Parshall and Bowman work closely with the Weather Service offices in Bismarck and Williston, providing supplementary and backup radar coverage of severe weather as it develops. This benefit extends beyond North Dakota, eastern Montana and northwestern South Dakota also benefit.

Project aircraft also seed mature, lightning-producing thunderstorms by flying at cloud base in the "inflow" region in advance of the storm. Such missions make spotting of lightning-caused range fires easy. The observation is made, a radio transmission to the district radar follows, and a telephone call notifies the appropriate rural fire department-- perhaps within a minute after the fire starts.

Though storms which develop funnel clouds or tornadoes are *never* seeded, they are monitored by project aircraft. The intensity, direction of movement, and storm speed are relayed first to the radar, then to the appropriate National Weather Service Office, from which the public warning is issued.

NOV 20 '92

ND ATMOSPHERIC
RESOURCE BOARD

NATIONAL WEATHER SERVICE
ROOM 210, ADMIN. BUILDING
LOGAN INTERNATIONAL ARPT.
BILLINGS, MT 59105

NOVEMBER 17 1992

BRUCE BOE, DIRECTOR
NORTH DAKOTA ATMOSPHERIC RESOURCE BOARD
900 EAST BOULEVARD
BISMARCK, NORTH DAKOTA 58505-0850

SUBJECT: LETTER OF APPRECIATION FOR RADAR DATA PROVIDED BY NORTH DAKOTA RADAR NETWORK AT BOWMAN, ND.

Dear Mr. Boe,

One of the primary missions of the National Weather Service is to reduce the risk from life/injury threatening weather events.

We are constantly trying to upgrade the quality of service provided to people in our area of responsibility. During the past severe weather season, your radar office at Bowman helped us to improve our services to people in Southeast Montana.

While the summer of 1992 was relatively quiet in terms of severe weather for Southeast Montana, the Bowman office still was able to provide much needed accurate radar information to our office.

Our staff appreciated the cooperation and information given by the Bowman staff. On behalf of Mr. Bert Nelson, MIC and his staff; please convy our "thanks" to Darin Langerud and Rory Mitchell for their assistance this past season.

Sincerely yours,

Thomas W. Karr
Disaster Preparedness
Program Leader

EXHIBIT 76
DATE 3-17-93
SB 72

EXHIBIT 76
DATE 3-17-93
SB72

RADAR COVERAGE

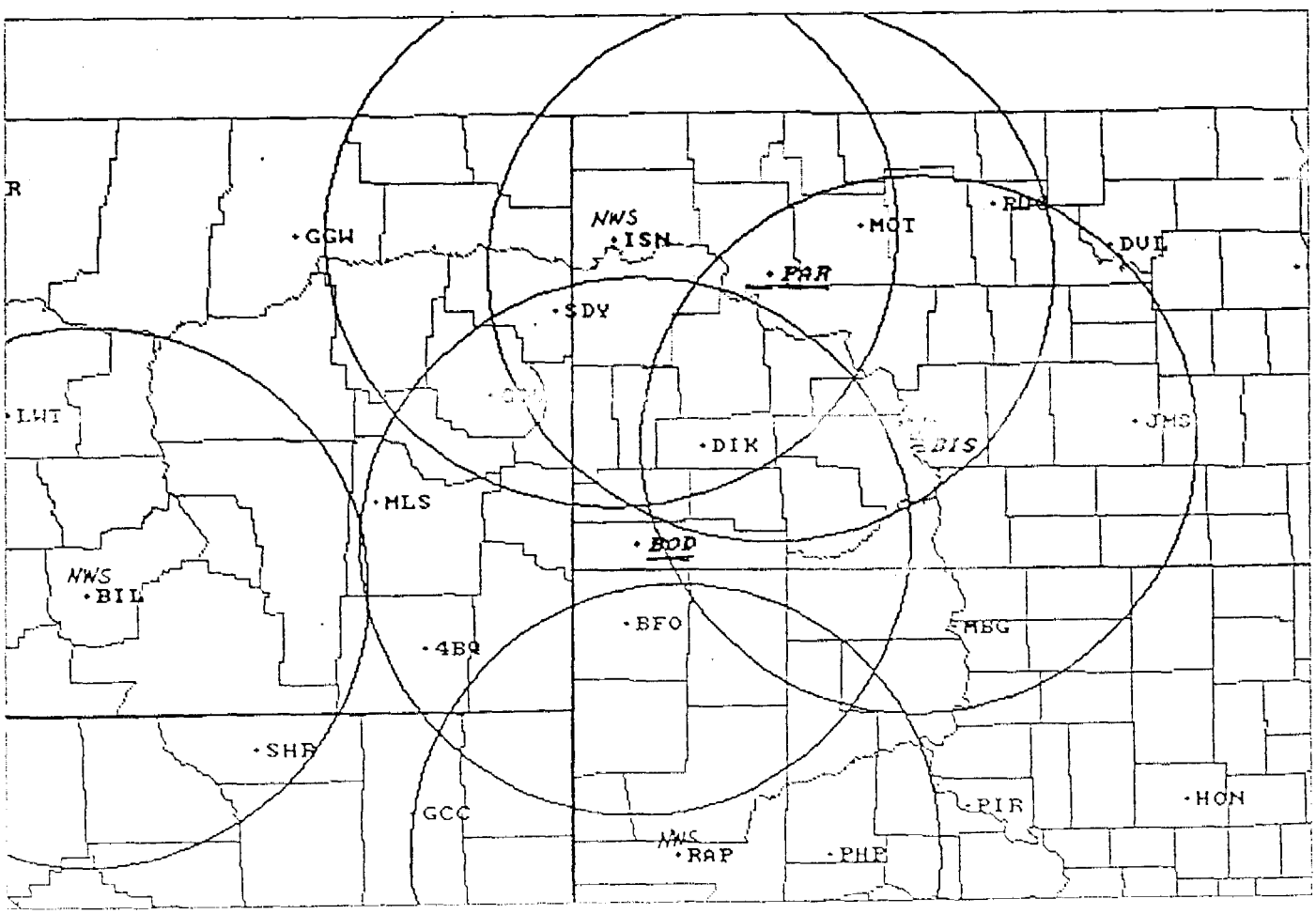
Project weather radars are essentially the same as those deployed by the National Weather Service (NWS), except that the cloud modification radars are slaved to computers which record high-resolution data.

In this figure, the maximum range at which thunderstorms can be quantitatively measured is shown (125 statute miles). Weather service radars are shown in blue, project radars in red.

Note that a significant portion of southeastern Montana is essentially without radar coverage, except for that provided by the project.

When severe weather is observed by project air crews or detected by radar, the appropriate NWS office is immediately notified.

When Weather Service radars are inoperative, project radars have acted as backup until the NWS radar is back in service. [In the last few years, only the Williston radar has had problems with any frequency.]



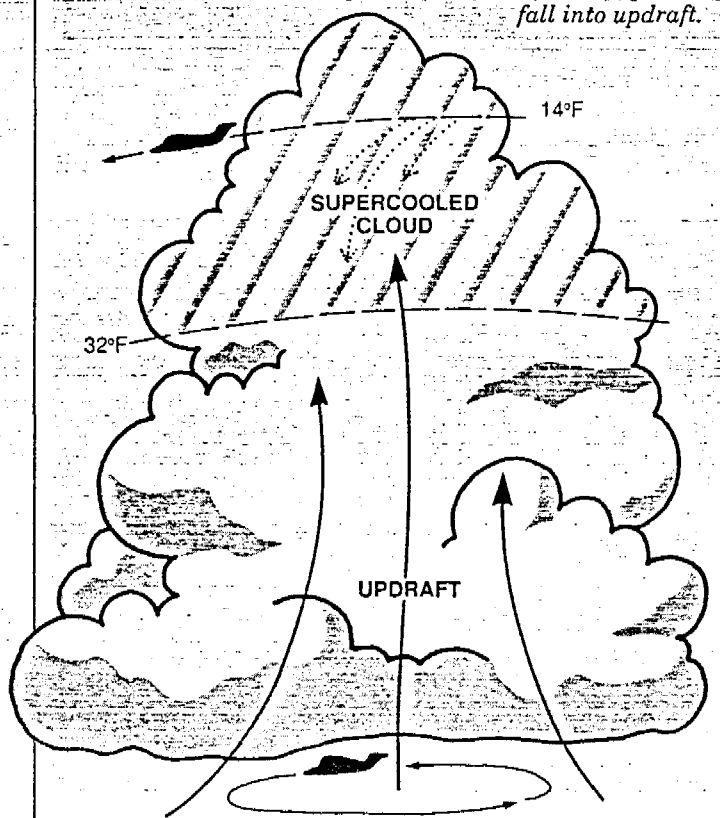
MODERN CLOUD MODIFICATION

supercooled water

When the top of a growing cumulus cloud cools to less than 32°F, cloud droplets *do not immediately freeze*, but instead become **supercooled**. In spring and summer clouds over the northern High Plains, ice often does not form until cloud tops cool to temperatures of 5°F or colder. Then, tiny wind-blown dust and soil particles called **ice nuclei** serve as crystalline skeletons upon which droplets freeze and snowflakes form. If ice does not develop in the short-lived summertime clouds, the cloud droplets eventually mix with the drier air outside the cloud and evaporate.

When the high, supercooled, cumulus cloud tops do not speedily spawn ice, raindrops can only form through the collision of the minuscule cloud droplets. This process, called **coalescence**, takes a long time to get started because the cloud droplets (diameter about .0005 inch) are so small that they swirl about in the air currents, and do not readily collide. The chances of such small droplets colliding are poor, and it may take nearly a million to form a single average-sized raindrop!

On-Top Seeding: nuclei or dry ice released directly in the supercooled cloud; flares or pellets fall into updraft.

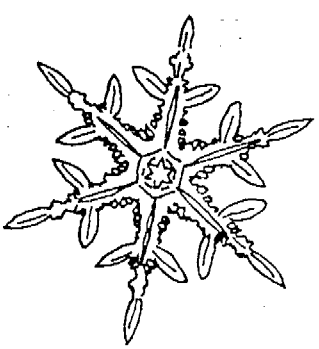


Cloud-Base Seeding: nuclei released in updraft.

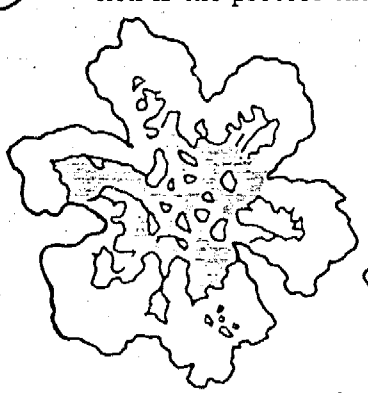
a nudge in the right direction

When nature is reluctant to produce ice in supercooled clouds, it is possible to lend a hand by providing the ice nuclei that nature is lacking. This is commonly known as **cloud seeding**. Clouds can be "seeded" with a variety of ice-inducing agents. The most common are silver iodide and dry ice. When silver iodide is used, small amounts (an ounce or less) are burned in flares or solution in the cloud top or in the updrafts at the cloud base. If dry ice is used, marble-sized pellets are dropped into the growing cloud from above. The rapid development of large numbers of small ice crystals soon follows.

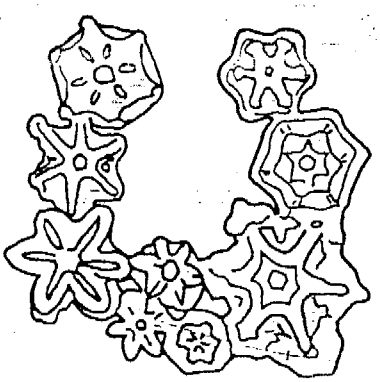
Once ice particles form, they continue to grow by **deposition**, **riming**, and **aggregation**. Deposition is the process that generates delicate snow-



Deposition: Water Vapor is deposited in crystalline form, making ice without first condensing.



Riming: Supercooled cloud droplets freeze instantly when they coolide with existing ice particles, glazing them.



Aggregation: Ice crystals collide and stick together, building snowflakes.

weatherguide ND ATMOSPHERIC RESOURCE BOARD PUBLICATION

EXHIBIT 76
DATE 3-17-93

what can be expected?

A well-run, adequately funded seeding operation employing aircraft for a seeding and weather radar for guidance can result in significantly less hail damage (30 to 60 percent reduction), and limited but very valuable increases in precipitation (on the order of 10 to 15 percent).

when should cloud seeding be considered?

Any part of the northern High Plains suffering significant hail damage on a regular basis would likely benefit significantly from hail suppression operations. In addition to the direct savings realized, long term programs which establish lower hail risks in target areas will also enjoy lower crop hail insurance premiums.

Additional growing-season rainfall will prove very beneficial to any locale short of moisture, especially semi-arid regions suffering chronic shortages.

Longer-term applications of cloud seeding technology may lessen the impact of droughts by creating greater soil moisture reserves prior to the onset of drought conditions, and may accelerate recovery by increasing the rainfall when weather patterns return to normal.

Because cloud seeding simply enhances the natural efficiency of clouds, it may be of limited use during extended periods of drought, when suitable clouds are in short supply.

additional reading

General

Understanding Our Atmospheric Environment, second edition, by M. Neiburger, J. Edinger, and W. Bonner. W.H. Freeman and Company, San Francisco, CA, 1982. or write: Weather Modification Association, P.O. Box 8116, Fresno, CA, 93747.

Advanced

Hail: A Review of Hail Science and Hail Suppression, edited by G.B. Foote and C.A. Knight. Meteorological Monographs, Volume 16, American Meteorological Society, Boston, 1977.

Weather Modification by Cloud Seeding, by A.S. Dennis.

EXHIBIT 76
DATE 3-17-93
SB 72

ATMOSPHERIC RESOURCE BOARD
A DIVISION OF THE ND STATE WATER COMMISSION
900 EAST BOULEVARD AVE.
BISMARCK, ND 58505
701-224-2788

Printed in cooperation with the North Dakota Weather Modification Association
1991

4-11-91

LELAND RED ANGUS RANCH

Melvin & Luella Leland

Skaar Route Box 4089 Sidney, MT 59270 Phone 701/565-2347

April 11, 1991

EXHIBIT 77
DATE 3-17-93
HB SB72

Senator Larry Tviet
State Capitol
Helena, MT

Dear Senator Tviet:

I apologize for being unable to come to Helena to personally oppose the permit to allow the Weather Modification the privelege of flying over Montana air space to seed clouds.

I am a rancher in western North Dakota. We operate along the state line in McKenzie County and extend eastward into North Dakota about 10 miles. I have lived on this ranch for over 40 years. Prior to 1978, I recall only one time when we experienced hail damage; that being in the mid sixties and then only about 50%. Since the weather modification program started, we've had three devastating hail storms (1978-82-83) that broke windows, ruined roofs, stripped leaves and bark from the trees and in general left no growing vegetation salvageable for feed. We have had several small hail storms since but without wind and only minimal damage. It's common knowledge our area has experienced over 10 years of severe drought since 1979. The only exceptions were 1982 and 1986 which produced adequate moisture but in 1982 we hailed out.

It is the claim of Weather modification that they can accelerate precipitation and suppress hail. I'm not suggesting that they cannot, quite possibly they can, however, I am suggesting that in the attempt to do so they are interferring with the delicate balance of nature. If in fact, the aerial seeding accelerated the precipitation of the hail clouds that hit us, it is conceiveable that had they not interferred the clouds would have precipitated later and at least partially missed us. As a rancher, I can accept any natural disaster imposed by God. I live with nature and can accept God's will. I cannot accept man's interference with things that are best left up to God. I believe man's interference ultimately disrupts the natural development and flow of weather patterns.

When I am reminded that I am taxed .07 per acre to have this imposed on me, I have to wonder if anyone in Weather Modification is accountable for their actions. In a nutshell, since Weather Modification has been imposed, I've experienced greater hail loss by many times over and the 10+ years of drought out of the past 13 years certainly doesn't support any arguement that their activity has appreciably increased precipitation in any way.

I respectfully urge you to deny their permit to fly over Montana skys. Since our weather patterns are from west to east, at least if they only start their seeding directly over me, their detrimental effect on my operation will be somewhat limited. This is the feeling of all the people in my neighborhood.

Sincerely,

Melvin Leland

Melvin Leland

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Natural Resources COMMITTEE BILL NO. SB 72

DATE March 17, 1993 SPONSOR(S) S. Devlin

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bernard Lan HCR 80 Box 75 Lambert MT 59243	N.E. Mont O.C. I.A.	✓	
Joe Steinkeisser PH 1 Box 3405 Sidney MT 59270	self	✓	
Scott A. Stolen Box 306 E Helena	Self		✓
[illegible] 4425 Hedgecock Helena	SELF		✓
Kathleen Bingman 87 Forest Park Clancy	Self SB 338	✓	
Jim Lubiba			
Jamie L VanHoose	Self SB 338	✓	
Jim Dudas Thom Fisher	SELF		X
PAM COLLINS Helena 2000 South Hills Rd	SELF + family SB338	✓	
NICK STEVENS, CLANCY MT 886 Sawmill Rd	FAMILY SB338	✓	
Christine Pahlstein 1195 Lois Bozeman MT	Self & Family [redacted]	X	
Tony Trieweiler	Self & Senator	✓	
Tom Buttrack	Self	✓	
George Paul	Farmers Union	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Natural Resources COMMITTEE BILL NO. SB 72

DATE March 17, 1993 SPONSOR(S) S. Devlin

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John Hanewald W.S.S.	Self	—	
~~MARGARET BECK BUY BIGGER CLAIM~~	" "	✓	
Rhodda Beck	Beck ~~Ranch Property~~		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Natural Resources COMMITTEE BILL NO. SB 72

DATE March 17, 1993 SPONSOR(S) S. Doherty

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
MARK Simonich	DNRC	X	
Rep Bill Rehbein		X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Protection District, stated support for the bill as presented to the committee, but opposed the amendments.

J. V. Bennett, Montana Association of Planners, noted the association shared concerns of previous proponents.

Questions From Committee Members and Responses:

The committee discussed the interests of water well drillers versus the DNRC regarding the 35 and 100 gallon per minute limitations. Input was solicited from individuals who had provided testimony to the committee. The possibility of a compromise on these limitations was also considered.

Closing by Sponsor:

SEN. DEVLIN closed on SB 172, citing the need to streamline the permitting process. He said he was amenable to compromise.

EXECUTIVE ACTION ON SB 72

Motion: **REP. BOB GILBERT MOVED SB 72 BE CONCURRED IN** and moved the amendment to the bill. **EXHIBIT 2**

Discussion: **REP. GILBERT** explained the intent of the amendments. **Michael Kakuk** noted a technical change for the proposed second amendment, the new section number 3. The amendment would read "The ~~department~~ board may not issue a permit under 85-3-206 until ~~it~~ the department has prepared a programmatic environmental ....". **REPS. TVEIT AND GILBERT** agreed with the proposed amendment changes.

Vote: Motion to adopt the amendment carried on a voice vote.

Vote: **REP. GILBERT MOVED SB 72 BE CONCURRED IN AS AMENDED.** Motion carried unanimously.

EXECUTIVE ACTION ON SB 339

Motion: **REP. RANEY MOVED SB 339 BE CONCURRED IN.**

Motion: **REP. SCHWINDEN** moved to amend SB 339 by including NEWTEC amendments.

Discussion: **REP. SCHWINDEN** stated the amendment exempts NEWTEC from the bill's provisions. **Michael Kakuk, legal counsel,** advised the committee the amendment will impact two bills, SB 338 and SB 339.

Motion: **REP. GILBERT** moved to segregate the amendment for SB 338 and SB 339.

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
NATURAL RESOURCES COMMITTEE

ROLL CALL DATE 3/26/93

NAME	PRESENT	ABSENT	EXCUSED
REP. DICK KNOX, CHAIRMAN	✓		
REP. ROLPH TUNBY, VICE CHAIRMAN	✓		
REP. JODY BIRD	✓		
REP. VIVIAN BROOKE	✓		
REP. RUSS FAGG	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. BOB GILBERT	✓		
REP. HAL HARPER	✓		
REP. SCOTT ORR	✓		
REP. BOB RANEY	✓		
REP. DORE SCHWINDEN	✓		
REP. JAY STOVALL	✓		
REP. EMILY SWANSON	✓		
REP. HOWARD TOOLE	✓		
REP. DOUG WAGNER	✓		

HR:1993
wp.rollcall.man
CS-09

HOUSE STANDING COMMITTEE REPORT

March 29, 1993

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 72 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Dick Knox, Chair

And, that such amendments read: Carried by: Rep. Gilbert

1. Title, lines 11 through 14.
Following: ";" on line 11
Strike: "PROVIDING" on line 11 through "MONTANA" on line 14
Insert: "REQUIRING A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR THE WEATHER MODIFICATION PROGRAM"

2. Page 5, lines 19 through 25.
Strike: section 3 in its entirety
Insert: "NEW SECTION. Section 3. Programmatic environmental impact statement. The board may not issue a permit under 85-3-206 until the department has prepared a programmatic environmental impact statement on activities under Title 85, chapter 3, as provided for under 75-1-201 and rules adopted pursuant to 75-1-201. The programmatic environmental impact statement must be completed by November 1, 1994."

Committee Vote:
Yes __, No ___.

701127SC.Hss

EXHIBIT #2
date 3-26-93
S.B 72

Amendments to Senate Bill No. 72
Third Reading Copy

Requested by Rep. Gilbert
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
March 26, 1993

1. Title, lines 11 through 14.
Following: ";" on line 11
Strike: "PROVIDING" on line 11 through "MONTANA" on line 14
Insert: "REQUIRING A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR THE WEATHER MODIFICATION PROGRAM"

2. Page 5, lines 19 through 25.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 3. Programmatic environmental impact statement.** The department may not issue a permit under 85-3-206 until it has prepared a programmatic environmental impact statement on activities under Title 85, chapter 3, as provided for under 75-1-201 and rules adopted pursuant to 75-1-201. The programmatic environmental impact statement must be completed by November 1, 1994."